DRAFTING & OFFICIAL CORRESPONDENCE

Containing the modern system of office routine, principles of latest filing system, specimens of drafts, memorials, despatches, reminders, Royal Orders, memoranda, notices, advertisements etc., along with the system of diarising and despatching.

(Approved by the Secretaries to Governments, Ministers, Officers of Indian States etc.)

BY

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PREFACE

The subject of ' Drafting ' has been introduced in all the competitive Examinations held in India by nearly all the examining bodies, Railway, Civil or Military in view of its importance in an office routine. The style of drafting in official use is changing from day to day. There is a tendency towards brevity without any formalities. In this book an attempt has been made to introduce a new recruit of an office to familiarize himself with the latest forms of drafts commonly used in a Government, Municipal, or District Board office and also to acquaint him with the different stages through which a letter received in an office has to pass. There is no exhaustive book on the subject and the instructions issued from time to time by the Government Departments are accessible to the privileged few. In order that every assistant in an office may be conversant with his duties, the present publication has been compiled and it is hoped that it will satisfy the demand for which it is intended. The subject-matter contained herein will not be available in any of the publications in the market, as it is purely an independent effort on a subject not tackled so far by any writer in India.

A large number of solutions of examination papers set recently have been added to make the publication more exhaustive.

31. 7. 40. A. N. KHOSLA.

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Reviews.

This is quite a comprehensive manual seeking to meet Indian clerical needs and may be of use not only to new recruits in Government departments but to the larger body of candidates at competitive recruiting Examinations. Opening with a general resume of the duties of the clerk and other members of an office the pupil is given hints about dealing with the incoming daily mail, methods of filing them and replies thereto, which leads to the central question of intelligent drafting in the accepted manner.

(The Hindu, 8th October, 1939.)

We are in receipt of a copy of 'Drafting and Official Correspondence' by Mr. A. N. Khosla, B. A. In every department of modern life, drafting plays an important part, and every department has its own technique. Mr. Khosla's book would be very helpful to people in the Correspondence Section of Government Offices.

Mr. Khosla's book attempts to familiarize the new clerk in an office, with the forms of correspondence and principles of filing and diarising in vogue in Government, Municipal and Local Board offices. The new recruit to an office can learn many things connected with official correspondence from this book. It also gives practical examples of the technique and the method of approach.

("My Magazine Dated 1-8-39").

Drafting and Official Correspondence, by Mr. A. N. Khosla, is a useful book. In view of the growing importance of 'drafting' this subject has been introduced in almost all the competitive examinations in India, but

there are not yet good books available to help the candidates on the study of the subject. Their being no up-to-date book on the subject, and the instructions issued, from time to time by the Government departments being available only to a few, this book will satisfy the need of every assistant in an office. *It is handy and well-written work, which merits careful perusal by those for whom it is intended.*

("Hindustan Review, Calcutta" Dated May 1939.)

The subjects of drafting and official correspondence occupy perhaps, the most important place in the machinery of not only of Government, but also in the office of a firm as well as a company. A good clerk is he who is dependable in the running of such institutions as those mentioned above. And it all therefore, depends on the efficiency of a clerk. An efficient clerk must be conversant with diarising, filing, drafting, despatches, memorials, demi-officials and forms of correspondence etc. etc. with which the publication under review deals in a comprehensive way. The Book contains also the modern system of office routine, specimens of drafts, reminders, memoranda, notices, and advertisements. It is very useful to all concerned.

("Amrit Bazar Patrika" Dated 21-5-39)

We have received a copy of book "Drafting and Official Correspondence" by A. N. Khosla, B. A. It contains the modern system of office routine, principles of filing, specimens of drafts, memorials, despatches. reminders etc. along with the system of diarising and despatching.

("Industry" Calcutta, June 1939).

DRAFTING AND OFFICIAL CORRESPONDENCE

CHAPTER I.

INTRODUCTORY

Introduction—Duties of a clerk—Office discipline—Qualities of a clerk—Duties of a Head clerk or a Superintendent.

Introduction.

Lord Irwin said that a clerk is the backbone of Government machinery and by saying so he stated an evident truth. In any office, be it of a government, firm or a company he starts the initial work, he records the initial accounts, he originates draft replies, and in fact he does all to reduce the labour of his superiors. He is the record-keeper of all the branches of an office. It is on him that the name of his superiors depends. Accordingly an efficient clerk is an indispensible figure of an office routine.

Duties of a clerk.

(1) The clerk should attend office punctually, and always before his superior comes to the office.

(2) He should arrange his table properly every evening before he leaves the office and no files, papers or registers may be kept on the floor on any account. Files, papers or cases used for reference during office hours should be restored to the racks or almirahs from where they have been taken. Papers called for from the record should be returned as soon as they are done with.

(3) The almirahs should be kept properly locked and some person should be held responsible for their keys.

(4) Waste papers should be placed in waste paper baskets provided for the purpose and not thrown about the floor.

(5) No clerk should leave office during office hours without the permission of his superior. In some offices provision of time has been made for taking luncheon and on Fridays for Muslims to say their Jumma Prayers. This timing should be strictly observed.

Office discipline.

The following points should be carefully noted by every member of the office, though they are very commonly known yet are mostly overlooked and uncared for.

(1) Staying away from office without leave tenders a person liable to dismissal except when the cause is sudden illness or unforseen circumstances. Whenever leave is desired its sanction should be previously obtained.

(2) The leakage of any information in respect of official or personal cases which comes to a clerk's knowledge in the course of his public duties is a great disqualification. Care should be taken to keep official knowledge confidential.

(3) Clerks should abstain form taking debt. This brings a bad name to the office he belongs.

(4) No member of any office should apply for any appointment outside his office without the knowledge of his superiors.

(5) The practice of loitering about and talking in the corridors and verandahs particularly near the rooms of officers is most objectionable.

(6) Smoking in office rooms is absolutely prohibited. It can be permitted during tiffin time in the tiffin rooms.

(7) Spitting is a bad habit. Spitting on the floor, walls or stairs is strictly prohibited.

(8) Care should also be taken to see that the floors, or walls are not spoilt by ink-stains.

(9) No outsider should be attended to in the office except on business with the permission of his superiors.

(10) The contingencies of the office should not be used for personal purposes. This is misappropriation of money.

(11) Every one should exercise the utmost economy in the use of electric energy.

(12) Office documents should not be taken home for disposal.

(13) Missing papers should be atonce brought to the notice of the immediate officer.

(14) Every clerk should keep a notebook of his duties and important orders, which he should make over to his substitute at the time of his transfer.

(15) All registers and the filing work should be kept up-todate.

Qualities of a clerk.

A clerk should be industrious. He should apply himself diligently to the work entrusted to him. He should also co-operate with his colleagues and help them in their work.

He should try to accomodate a new entrant. Sub-

mission and obedience are two good qualities which will help him in his promotion.

He should behave properly like a perfect gentleman and when emergency arises he should not grudge extra work. As far as possible all returns should be submitted on due dates.

Duties of a Head clerk or Superintendent.

The duties of a Head clerk or a Superintendent are to supervise the work of those placed under him. He should take care that all urgent cases are immediately attended to. The office Dak is properly dispose of, punctuality is observed and each assistant behaves in a gentlemanly manner towards his other colleagues.

All papers submitted to his officers are correctly put up. He should check figurative statements and accounts submitted to him, and watch that the returns are sent out on due dates.

CHAPTER II

DIARISING

Receipt of Dak—Duty of the Dak opener—Duties of a Diarist—Form of the Diary—Report of outstanding letters—Pending cases.

Receipt of Dak.

The Dak of an office is received either by post or through mufassil peons. The Dak opener should acknowledge mufassil Dak in the peon book and all registered packets or parcels on the acknowledgements brought by the postal peon. Valuables and insured articles are generally received by the officers.

After the Dak has been received, the letters will be impressed with the dated stamp of the office. But letters requiring immediate disposal or marked urgent should atonce be laid in the hands of the assistant entrusted with the charge. It is also the duty of the Dak opener to separate all covers addressed by name, or those superscribed 'confidential' and these should be submitted to the head of the office without loss of time. The Dak opener should be careful to stitch to letters concerned in the upper left hand corner all the enclosures relating to them. Those letters which though rightly addressed to some other office are wrongly delivered should be re-directed to their proper destination.

Duty of the Dak opener.

The Dak opener should know that they are primarily responsible to see that:—

(1) All the enclosures of a letter are attached to it

either by a tag, or with a pin, or are stitched together with thread and needle, and

(2) No letter unless meant in original for some other office is left unstamped with the office date stamp.

(3) The important papers should be tagged together to a memorandum and circulated separately among the Gazetted officers.

Duties of a Diarist.

The dak opener will place the papers before the Diarist who will immediately mark on the letters the name of the sections of an office if it contains different branches, or the names of the assistants if the office is a small one.

The letters will then be sorted and entered in the diaries and respective registers. Some offices keep separate registers for important dak whereas other offices enter the whole dak in a general diary.

Separate registers should be maintained for telegrams, reminders, confidential papers and valuables as these are important documents and require early disposal.

The diarist should see that—

(*a*) every letter bears the office date stamp,

(*b*) nothing is written on letters or papers which are to be transmitted in original to other offices,

(*c*) the headings of the diaries are invariably filled in, and pages marked,

(*d*) a blank page is left on a particular day of the week as ordered by the Head of the office for the preparation of the diary report,

(*e*) the number, date and sender's name is correctly entered in the columns of the diary,

(*f*) no mistake is committed in noting serial numbers in the diaries,

(*g*) before entering the letter in a sectional diary the departments or sections marked on them are examined in order to avoid any letter not belonging to a branch being entered in the diary thereof,

(*h*) all letters entered in the diary on a previous date are acknowledged and their subjects entered therein,

(*i*) when a letter noted in the diary is returned by any section as not concerning it (*i*) the name of the section is altered on it as well as in the general diary, (*ii*) a receipt for the letter is given in the diary of the section returning the letter and (*iii*) the letter is entered in the diary of the section to which it correctly relates,

(*j*) in the case of personel letters the name as well as the designation is entered in the diary,

(*k*) the department of the Government is invariably inserted after the number of the letter in the case of letters from the Government of India or the local Government.

Form of the Diary.

Different officers use different forms but the follow-

ing form will show the essential columns of a diary :—

Serial No.	Number of the letter.	Date of the letter.	From whom received.	Brief Subject.	Initial of the clerk receiving it.	Action taken.	Dated initials of the disposer.

In diarising the following words are generally used :—

Absolving from
According sanction or approval
Acknowledging
Admitting
Advising
Agreeing
Allocating
Announcing
Appealing
Appointing
Appropriating
Approving
Arranging
Assenting
Cancelling
Certifying
Communicating
Concurring
Confirming
Consulting
Conveying
Determining
Directing
Disapproving
Discharging
Enquiring
Exchanging
Exempting from
Explaining
Filling
Favouring
Forwarding
Furnishing
Holding
Incurring
Informing
Instructing
Intimating
Inviting attention to
Issuing
Observing
Offering appointment
Opposing
Ordering
Permitting
Prefering
Reconciling
Referring
Remarking
Repeating
Reporting
Requesting
Returning
Sanctioning
Saying
Showing
Soliciting
Stating
Submitting
Suggesting
Transferring

Specimen of a filled in Diary dated 19-9-39 (red ink)
Ist/IInd Batch.

Serial No.	No. of the letter.	Date of the letter.	From whom received.	Brief Subject.	Initials of the clerk receiving it.	Disposal.	Dated initials of the disposer.
5291	201-E-21	16-9-39	Govt. U. P. P.W.D. (B. & R.)	Regarding revision of salary scale of subordinates of the Engineering Department of State Rys.	S.M.K. 18-9-39	M.H.P.1-R /1844-38-39 D/25-9-39	S.M.K.
5292	E.35-A/39	15-9-39	Registrar High Court Pb.	Appointment of Jan Mohd. as stenographer in his office.	A.L.S. 18-9-39	J. S. E. Lah/1734 D/23-9-39	A. L. S.
5293	F.77-C/39	16-9-39	I. of Training Institutions Pb.	Acknowledges receipt of this office letter No. 17398-R. Dated 20-8-39.	F.M.16-9 39D.N.B. 18-9-39	G 27/113 D/27-9-39	H.L.K.
5294	798 D. B.	17-9-39	Chairman D.B. Mianwali.	Forwards a copy of Govt. Pb. L.S.G. sanction No. L.S.G. Raw/ 2155 dated 18-8-39 granting contribution of Rs. 21,600.	T.C.C. 18-9-39	Kept pending till 25-10-39	D.N.B.
5295	11315/19B. -39	12-9-39	D.C. Criminal Tribes.	Invites attention to his No. 11225/19-13/39 dated 18-8-39.	R.P.N. 18-9-39	5525/L. D/30-9-39	R.P.N.

Report of outstanding letters.

On a particular day fixed by the head of the office (which is generally Tuesday) a diary report will be prepared in the following form showing therein the balance of the undisposed of or unanswered correspondence. This report is intended to show all letters etc., received upto the Saturday of the 2nd preceding week *i. e.* for example all letters received upto Saturday, the 17th September 1939 and not disposed of by the 24th September 1939 must be shown in the report drawn up on Tuesday, the 27th September 1939. The list for the week under report should start with an abstract in totals thus:—

Balance as shown in last report.....
Cases retransferred from Pending Register.....
Receipt during the period under report.....

Total

Disposed of letters during the period under report .....
Cases transferred to the pending Register —— .....

Total deductions

Balance outstanding

The balance outstanding at the end of the week as shown worked out above should be further analysed as

below :—

Details of Balances.

(*a*) Letters more than three weeks old.

1	2	3	4	5	6	7
Serial No.	Name of Asstt.	Diary No.	Date of office stamp.	Brief Subject	From whom received.	Explanation for delay in disposal.

(*b*) Letters less than three weeks old.

1	2	3	4	5
Nameo f Asstt.	Diary No.	Date of office stamp.	Subject.	Explanation for delay in disposal.

Pending Cases.

Cases which are pending for want of information from other branches, or on which *ad-interim* drafts have been issued are transferred to a Register known as the Pending Register.

The form used for this register is :—

Serial No.	File or Diary No.	From whom received.	Subject.	When received.	With whom & when sent.	Cause of delay.	Orders.

The weekly report of this register is submitted to the Officer-in-charge in the following form :—

Report upto.....

Last balance.....

Transferred from the diary.....

Total.....

Transferred to the diary after final disposal.....

Balance .....

CHAPTER III.

FILING

New filing system—Submission of cases—Utility of the modern system of filing.

New filing system.

All correspondence is filed either in files or in "Cases". The unit for recording correspondence is "file". All papers both inward and outward are classified according to the file to which they belong. The classification of the files is by subject; and correspondence on the same subject with whomsoever conducted goes into the same file. Cases are off-shoots or merely separate integral parts of files relating to important correspondence, which for convenience of handling and for reference, it is desirable to keep separate. They should be closed when the matter for which they were opened has been decided. Thus all papers belong *prima facie* to some file or other, if they are routine and unimportant go straight into the file and arranged chronologically with the other papers in the file; if they are and relate to a subject of a general self-contained case they go with all connected papers into a separate case. But they still belong to the file with a subordinate number indicating the case. Thus if T. M. 5 is a file sanctioned for the T. M. Section to deal with treasury defalcations, all routine and unimportant papers (if any) dealing with defalcations in general will go straight into this file but the correspondence relating to each individual defalcation will be made into separate cases which will be numbered T. M. 5-1, T. M. 5-2 etc.

Thus at the end of the year each file will consist of the "File" proper containing an unimportant and routine correspondence on the subject to which the file relates plus one or more separate cases dealing with important correspondence which have occurred under the same subject. Cases should be formed whenever it is desirable to keep the papers connected with a subject together either on account of their importance or because it is specially convenient to do so. Only correspondence of a purely routine and ephemeral character will go into the file proper without being "cased."

Whenever it appears to a Superintendent or Head clerk that the correspondence on any subject is likely to be protracted or is of sufficient importance to be formed into a "case" he should note the word "case" on the paper under reference or disposal and should see that the case is made up at as early a stage of the correspondence as possible, that the case when formed is complete in itself and that no paper which ought to go into it is omitted to be included therein. Gazetted Officers are also recommended to note "case" on any papers coming up to them which seem to deserve to be so treated. It is of greatest importance that cases should be formed freely.

Every letter issuing from the office should bear the number of the file or case to which it belongs. This number together with the sectional despatch number should be entered by the section issuing the draft before it is sent to the copying branch which will carefully copy both the numbers.

Similarly it is the duty of every section or branch to note the file or case number against every letter or paper in the sectional diary in the column "number of file or

case." Officers are recommended to see when weekly reports of outstanding letters are submitted to them that these instructions have been compiled with.

Every branch or section should maintain a register of the cases formed in it, one or more pages being allotted to each file with its subordinate cases. The heading of each page will show the file number and its description (*e. g.*, T. M-5 defalcations) and there will be following columns:—

(*i*) serial number (of case).
(*ii*) Subject. (do.)
(*iii*) Whether entered in the Dictionary of reference or not.
(*iv*) Superintendent's initials.
(*v*) Remarks.

These particulars should be filled in and initialled by the Superintendent immediately after he has ordered a case to be formed.

(*a*) Files and cases should be kept in file covers in two separate portions, notes and correspondence, tags being used for the purpose. All the papers should be arranged chronologically in book form and page numbered; two series being used, one for notes and the other for correspondence. The pages of the file should be serial and there should be no fractional paging. Paging shall not ordinarily be disturbed, but when it is found to be necessary Superintendent's orders should be taken.

Tags should only be used to keep the papers together. Binding of the files is not permissible except when they are to be closed. The upper ends of the tags should be attached to the file covers on both the notes and the correspondence side. The lower ends should be kept free for adding fresh sheets.

(*b*) The name of the section and the number and subject of the file should be clearly indicated on the file cover.

Submission of Drafts.

(*c*) The " P.U.C." must be put up along with the file or case to which it relates. If it cannot go into any of the existing files or cases, a separate file or case may be opened. When writing notes reference to the P. U. C. should be made in *red* ink on the notes side.

Diary No..... dated..... Pages 5-8c.

No mention should be made of the official from whom the communication has been received nor of the subject matter thereof. It should also be borne in mind that the P. U. C. should not in any case be repeated in the note. It should be assumed that it will be read by the *person* dealing with the file.

(*d*) An important defect generally noticed at an examination of the notes put up is confusion of thought and expression. The point at issue is not directly tackled. This is attributable to the fact that no attempt is made to marshal the facts. Once the facts are brought out properly, there can be no difficulty in dealing with the case. No important points should be omitted from the notes and it is the duty of the Head clerk or Superintendent to see that the notes put up bring out all the relevant facts. Notings on the margins should be avoided. Inside margins should always be left on the sheets. On the 'notes side' the notes alone should appear. Anything which is not note whether it is a letter or not, should go to the correspondence side. The underlying idea is to preserve the continuity of the notes. Normally for everything that appears on the correspondence side, there should be a note on the

notes side. The following are the exceptions to this rule:—

Letters of a routine nature requiring no action in an office beyond being noted in the registers or other similar record or being filed *e. g.*,

(*i*) Acknowledgments.

(*ii*) Letters from officers forwarding sub-vouchers or other documents etc.

(*iii*) Balance certificates signed by Administrators or Debtors concerned.

(*iv*) Statements.

(*v*) Statistic forms.

2. Letters conveying sanction to expenditure.

3. Half margins and other Memoranda.

In such cases any noting required may be done on the letters themselves on the correspondence side, except that when any doubtful points are involved or it is otherwise necessary to comment on them. Such comments should invariably be made in a note on the notes side.

(*e*) Papers which have not to remain in the file should be kept apart and loose and should not be numbered in the file, *e. g.*, documents which have to be sent out of the office or to other sections. File covers and note sheets should not be folded back. Noting and drafting should be carefully done and the files should be handled with care so as to preserve their appearance. The current papers in flying covers should be page numbered and not flagged, the only flags which may be used are P. U. C. and 'Draft for approval.' Slips A, B and C should not be used and instead reference should be made to the pages only.

(*f*) Files and cases should ordinarily be closed annually and earlier if the number of pages reaches a

figure of 400 or a convenient number. Branch names should not be written on flags and file boards thus rendering them unfit for use by other branches or sections. The flying cover containing current papers should, however, invariably give the name of the branch prominently at the top

(*g*) Clear margins should be kept on the notes and drafts. Nothing whatever should be written on these margins save references to the previous papers and other particulars quoted in the notes and drafts themselves. It is important that notes and drafts should be neat and clear, and easy to read and follow. Marginal remarks should be avoided as far as possible, as a part from getting lost when the papers are laced and stitched up, they are apt to be overlooked and thus have a misleading effect. It should be remembered that notes and drafts are intended to be read and should be legibly written and self-contained in themselves. Untidy habits of writing and putting up papers should be avoided.

(*h*) A draft should be complete, clear and brief, and must always be written in temperate language and courteously worded. All ambiguous terms such as "former", "later", "yesterday", "to-morrow" the meaning of which depends on the contents should be avoided. Words such as "false", "Fictitious", "manipulation" etc. must be used with the greatest circumspection and discretion and that also with the approval of a superior officer. The tone of letters should always be as temperate and polite as possible. No letters conveying censure, in however light a degree may go

out except under the signatures of the Head of an Office. If a letter is really urgent, the word "urgent" in red ink should be prominently written across the top of the fair copy or an urgent slip pasted thereon as the use of such phrases as "an early reply is solicited" or at your earliest convenience" in the text hardly attracts the required attention. When an officer drafts a letter himself it must be understood that the Superintendent or the Head Clerk of the Department concerned is responsible for the correctness of the facts mentioned therein just as if the reply was drafted by the Superintendent himself. Superintendents are also responsible for bringing to notice any orders of the Government or other authority which their superiors may have accidently overlooked. Any draft which is altered by the officer should invariably be returned to the Department to which it belongs before it is made over to copying branch.

Utility of the modern system of filing.

The modern system is very simple. It can be understood by every member of the staff even a new recruit. Secondly 'it is capable of easy and complete application to the routine' of a Government, Municipal or District board office. It can be adopted without any difficulty and promotes co-ordination and control. 'A leakage here, a piece of bad policy there, a blunder of administration somewhere else, an error that betrays lack of judgment or culpable negligence' is easily traceable. The records remain quite up-to-date and exhibit methodical work.

CHAPTER IV.

DRAFTING

Particulars of a draft or letter — The writing of a date.

Particulars of a draft or letter.

The following particulars should essentially be embodied in every draft or letter.

(*a*) *The place of issue and the date of writing.* This is generally put at the top right corner in any of the following forms :—

1. Calcutta, the 26th August 1939.
2. Patna,
   The 16th August., 1939.
3. Legal Department,
   Bombay Castle, 5th August, 1939.
4. Dated Baroda,
   The 17th August, 1939.
5. Kolhapur Residency,
   Deccan.
   13th September, 1939.
6. Shillong,
   April 4, 1939.
7. Green Cottage,
   Mylapore, Madras,
   January 23, 1939.

Note :—It is important that every line should convey a complete idea. The date and place should not be broken in such a way as to convey haphazard and

clumsy look as in the following case :—

32, Willingdon
Square, Kamla
Street, Triplicane,
Madras, 29th September, 1939.

The correct form is :—

32, Willingdon square,
Kamla Street,
Triplicane Madras,
29th September, 1939.

The writing of a date.

Any of the following styles may be used for writing the date :—

23 October, 1939.
23 Oct. 1939.
October 23rd, 1939.
Oct. 23rd, 1939.
23rd October 1939.
23rd Oct. 1939.
October, 23, 1939.
Oct. 23, 1939.

In official letters number of the letter is often given at the top and sometimes along with the date of issue thus—

No. 8173/5-35 Dated Lahore, the 5th April, 1937.

The name of the place of issue is always followed by the date.

(*b*) Next comes *the name or designation of the Government officer issuing the draft and the receiving officer* such as :—

From

The Chief Secretary
to the Government of the Punjab.

The Commissioner,
Jullundur Division,
Jullundur.

(*c*) Below this is given in brief the subject of the draft, but always above the salutation.

(*d*) After the subject and the salutation is the body of the letter containing the details of the subject-matter under correspondence.

(*e*) In the last is the subscription or conclusion.

(*f*) The address on the envelope is known as the superscription. The address on the envelope should 'not be written close to the top but begin it far enough down to have room below for no more than the full address clearly written, remembering that the last line of the address may be quite near the bottom of the envelope.' The postage stamp should be put at the right-hand upper corner, on the front of the envelope.

The sketch of a draft will be in the following form :—

No.....

From

_____

_____

To (Address or beginning)

_____

_____

...Station...Dated.....

Subject :_____

_____

_____

Salutation,

2
3
4 } Body of the letter.

(Subscription or conclusion),

CHAPTER V

TITLES AND ADDRESSES

The following titles, addresses and forms of salutation are used in writing letters to persons of position and notabilities :—

To the King.

Begin : Sir, May it please Your Majesty.

Conclude : I remain, with the profoundest veneration, Your Majesty's most faithful subject and dutiful Servant.

Superscribe :

To the King's Most Excellent Majesty, etc.

The Queen.

Begin : Madam, May it please Your Majesty.

Conclude : I remain. with the profoundest veneration, Your Majesty's most faithful and devoted Servant.

Superscribe :

To the Queen's Most Excellent Majesty, etc.

The Prince (or Princess) of Wales.

Begin : Sir (or Madam).

Conclude : I remain,

With the greatest respect,
Sir (or Madam),
Your Royal Highness' most dutiful
and most obedient Servant.

Superscribed :

To His Royal Highness the Prince of Wales, K. G.

To Her Royal Highness the Princess of Wales.

Princess and Princesses and Dukes and Duchesses of the Blood Royal.

Begin : Sir (or Madam).

Conclude : I remain, with the greatest respect,
Your Royal Highness' most dutiful and most obedient Servant.

Superscribe :

To His (or Her) Royal Highness Prince—(or Princess)—: or To Her Royal Highness the Princess of, etc., or to His Royal Highness the Duke of—; or to her Royal Highness the Duchess of—.

Dukes.

Begin : My Lord Duke.

Conclude : I remain my Lord Duke,
Your Grace's most devoted and most obedient Servant.

Superscribe :

To His Grace the Duke of—, etc., etc.

Marquess.

Begin : My Lord Marquess.

Conclude : I have the honour to be, my Lord Marquess, Your Lordship's obedient and humble Servant.

Superscribe :

To the most honourable the Marquess of—etc. etc.

Earls, Viscounts and Barons.

Begin : My Lord.

Conclude : Conclude as to Marquess.

Superscribe :

To the Right Honourable the Earl of—: or To the Right Honourable Lord Viscount—; or To the Right Honourable Lord—.

Baronets and Knights.

Begin : Sir.

Conclude : I have the honour to be, Sir

Your humble and obedient Servant.

Superscribe :

Sir—Bart ; or Sir—etc. etc. etc.

Wives of Dukes *:* Madam. I have the honour to be, Madam. Your Grace's most humble and most obedient Servant. Superscribe : To her Grace the Duchess of—.

Marchioness : Madam. I have the honour to be, Madam, Your Ladyship's obedient and humble Servant. *Superscribe :* To the most Honourable the Marchioness of—.

Wives of Earls, Viscounts and Barons : Begin and end as to a Marchioness. *Superscribe :* The Right Honourable the Countess of—, or the Right Honourable the Lady Viscountess—, or the Right Honourable Lady—.

Wives of Baronets and Knight : Madam, I have the honour to be, Madam. Your Ladyship's most obedient Servant. *Superscribe :* Lady—.

Archbishop.

Begin : My Lord Archbishop.

Conclude : I remain, my Lord Archbishop,

Your Grace's most devoted and obedient Servant.

Superscribe :

To His Grace the Lord Archbishop of Canterbury.

Bishops.

Begin : My Lord Bishop.

Conclude : I remain my Lord Bishop,
Your Lordship's most obedient
Servant.

Superscribe :
To the Right Reverend the Lord Bishop of—. etc., etc.

Deans.

Begin : Very Reverend Sir.
Conclude : Your most obedient Servant.
Superscribe :
The very Reverend the Dean of—.

Archdeacons.

Begin and end as to a Dean, and *Superscribe* : The Venerable The Archdeacon—.

Lord Chancellor.

Begin : My Lord.
Conclude : I have the honour to be, with great respect,
Your Lordship's most obedient
Servant.

Superscribe :
The Right Honourable the Lord Chancellor etc., etc.,

Lord Chief Justice.

As to Lord Chancellor.
Superscribe :
The Right Honourable the Lord Chief Justice of England.

Lord Mayor.

Begin : My Lord.
Conclude : Your Lorship's obedient Servant.

Superscribe :
The Right Hon. the Lord Mayor of—.

Secretary of State for India.

Address : The Right Honourable—
His Majesty's Secretary of State for India.

Begin : 'Sir' or 'My Lord' as the case may be.

Conclude : I have the honour to be,

$\frac{\text{Sir}}{\text{My Lord}}$

$\frac{\text{Your}}{\text{Your Lordship's}}$ most obedient humble Servant.

Viceroy and Governor-General of India.

Address : His Excellency The Right Honourable—
(Name and title),
Viceroy and Governor-General of India,

Or His Excellency the Right Honourable the Governor-General of India in Council.

Begin : My Lord (generally the Viceroys are Lords)

Conclude : I have the honour to be,

My Lord,

Your Excellency's most obedient humble Servant.

Governor.

Address : His Excellency (Sir)—
Governor of.....

Begin : $\frac{\text{Sir}}{\text{My Lord}}$, or Your Excellency.

Conclude ; As for the Governor-General.

Judge of a High Court.

Address : The Honourable Justice (Sir).....

Begin : Sir,

Conclude : I have the honour to be,

Sir,

Your most obedient Servant.

A Ruling Prince.

Address : $\frac{\text{His}}{\text{Her}}$ Highness the $\frac{\text{Maharaja}}{\text{Maharani}}$ of

Begin : May it please Your Highness.

Conclude : I have the honour to be,

Sir,

Your Highness' most obedient humble Servant.

CHAPTER VI

INSTRUCTIONS ON DRAFTING

General instructions—Commentaries on the mistakes generally committed by candidates—Forms of beginning an official draft—Model drafts and precis.

General Instructions.

Extracts from the instructions issued by the Government of India.

Draft should be self-contained and self-explanatory. Remarks like the following should not be made, 'Please refer to the previous correspondence on the subject' or 'as you are well aware circumstances burden it necessary to.....' without any further details.

It should be realised that a precis is an office note while a draft is intended to be sent out of the office. Expressions which are permissible in an office note should never find a place in a letter.

Careful attention should be paid, in drafting to points of grammar, idiom, style, and punctuation. A few of these are mentioned below :—

(*a*) A form similar to that shown below should be adopted in all letters, etc., drafted in the office—

> "With reference to the letter from the Government of India in the department of.....to the address of the.....No..... ....., dated....., on the subject of..... ....., I have etc....."

Thus, the order in the reference will be

(1) the writer of the communication under reference,
(2) its addresses,
(3) its number,
(4) its date and
(5) its subject.

The use of the expression "the Government of India, Finance Department letter No....." should be avoided. It should always be "the letter from the Government of India in the Finance Department No....."

(*b*) The use in the passive voice of verbs followed by a preposition, as for example, "referred to in your memorandum" should also be avoided whenever it is possible to replace it by some other suitable word such as "mentioned," "cited," or "quoted," etc.

(*c*) The coincidence of an apostrophe and a comma is incorrect. Thus it is wrong to write "The Accountant-General, Central Revenues' letter No.....dated.....to ....." The correct form is "Letter from the Accountant-General, Central Revenues, to..... No..... dated....."

(*d*) Care should be taken to avoid such common errors of grammar as "avail of," "tantamounts to" "strike out the balance, "dispose it off," "substituted by," "requested for," "investigated into," etc.

(*e*) Care should be taken to avoid as far as possible the use of ugly Latin abbreviations, such "*viz*;" "*e.g.*;" "*i.e.*;" "*vide*" etc.

Instructions issued by the Accountant-General, Punjab.

1. The essentials of a good precis are (1) correctness, (2) legibility and (3) clearness and conciseness. The

matter of a good precis should leap to the eye. It should be couched in clear and concise language. Sentences should be short and to the point. Vague expressions are particularly to be avoided. The preparation of a good precis requires first study application to obtain a complete mental grasp of the contents scattered over in various letters. Next with clear judgment all unimportant matter must be sifted out, then the important facts have to be connected in a clear concise narrative which should not necessarily be in the chronological sequence of letters.

2. It should be a clear and useful office note in grammatical English giving a summary of the correspondence and bringing out all the salient points in it. Assistants generally copy out *in extenso* from the correspondence without any attempt at summarization, thereby unnecessarily increasing the bulk of the preamble. Lengthy and unnecessary portions should not be copied out.

3. It is generally gathered that the Assistants are bad at spelling, some illustrations are given belows :—

Correct-Spelling.	*Incorrect Spelling as used by the Candidates.*
1. Desirable.	Desireable.
2. Precision.	Presion.
3. Unanimity.	Unamity.
4. Precis.	Precise.
5. Emanating.	Amanating.
6. Advice	Advise.
7. Opinion.	Openion.
8. Precise terms.	Precised term.

Commentaries on the mistakes committed generally

by the candidates in answering papers on Precis and Draft.

(1)

1. Most of the candidates do not seem to have realised that the Examination in this subject is intended essentially to test the ability of the candidates to put up a clear and useful office note in grammatical English giving a summary of the correspondence and bringing out all the salient points in it. Consequently, the majority of the answers in Precis were needlessly elobarated as instanced below. The unnecessary portions which could well have been omitted without detracting from the value of the answer have been italicised.

"The Secretary of State having considered *in Council* the Audit Reports....."

"The Secretary of State *for India.*"

"His Excellency's Government" instead of merely saying "The Government of India."

2. In numerous answer papers the sentences were very long with the result that the candidates apparently forgot how the sentences began. A good instance is given below.

"It involved firstly a prompt investigation..... secondly a criminal prosecution.....thirdly to punish the departmental officers.....fourthly to amendment of the rules....."

3. Many candidates did not seem to know when to use the indefinite article "a" and the definite article "the". Instances are given below.

"The following are the few of the number of cases..."

"In the conclusion the Government stated....."

"He (the Secretary of State) suggested a further action in the matter."

4. Many candidates did not apparently know when to use the singular "action" as distinct from the plural "actions." For example, as regards the action taken.....". Similarly, in many cases the candidates used the word "information" in the plural.

5. Innumerable instances of lack of knowledge of English grammar, idioms, etc. were noticed. A few examples are given below.

"No blame can be given to the supervising staff..... without suffering the work of real administration."

"Strict enforcement of administrative control..... would come down the number of cases of defalcations."

"The Government of Bengal held that the intensified audit had brought forth more cases of fraud to light."

"A circulating letter was accordingly issued....."

"They are in following opinions....."

"System of suppressive audit in force."

"Tendency of increase."

"System of accounting which is following in Government Colleges."

"Failure of taking security."

"Paucity of discipline."

".....expressed dissatisfaction on the....."

"Laid stress on the fact."

"They do not think to propose."

"Local Government are in the habit of investigating frauds."

"I am arrived to this decision....."

"The Secretary of State observed that..... he is not satisfied."

" Some attributed that this was due to....."

" Fully alive of the situation."

" Implicated with the fraud case."

" Rendered possible due to dishonesty of the officials.

" Attributed such cases due to dishonesty."

" Laxality on the part of the supervising staff "

" Emphasised on the Provincial Government."

6. The general impression gained in going through the Precis papers is that candidates do not seem to take trouble of reading over what they have written in order to correct any glaring mistakes in spelling, grammar, punctuation, etc., which, however unconscious, go to reduce the marks. Instances of mistakes which could have been set right by such a second reading are given below.

" Secretary of States for India "

" His Majesties Secretary of States for India "

" The Secretary of State for India in *their* Despatch No....."

".....due measures were taken for the recurrence of such things (frauds) in future "

" All most " for " Almost "

" The matter have taken a serious turn "

" Replies received.....shows....."

" Inediquate " for " Inadequate "

7. The question paper required a letter to be drafted as from the Secretary to the Government of India to the Under Secretary of State for India. Many candidates did not seem to have read the question carefully with the result, that the draft was addressed to the Secretary of State himself instead of to the Under Secretary, and even

in doing so some ridiculous forms of address were adopted such as the following :—

"His Majesty the Secretary of State for India"

"His Excellency the Secretary of State"

"The Secretary of State of the Government of India"

"Secretary of State to the Government of India."

One candidate drafted the letter as issuing from the Chief Secretary to the Government of India.

8. Many candidates began the draft thus,

"My Lord"
Sir

"Right Honourable Sir."

9. One candidate addressed the letter to "His Majesty's Under Secretary of State for India," began the draft with 'My Lord," used the word "we" right through and ended it up thus,

"We have to be,
My Lord,

Your Lordship's most humble obedient servants.

(Sd.)

Governor-General

Secretary to the Government of India."

The underlining above is mine to show that the two signatures were not an oversight.

10. Many candidates did not seem to know that such letters employ expressions like "I am directed, etc.", 'I am to state, etc." and not "I have the honour etc.", "I am of the opinion, etc."

11. In a few cases, the measures taken by the Government of India were declared as "measures taken by His Majesty's Government," and in one or two cases

the draft commmenced thus,

> " With reference to My Lord His Majesty's Secretary of State for India's Despatch No....."

12. In numerous cases the candidates did not state in the body of the draft that copies of the correspondence were being enclosed although it was stated later on in the draft, " It will be seen from the replies received....." Some candidates stated that the reports of the Local Governments " have been called for " and yet in the very next para, it was stated " Replies from the Local Governments disclosed.....".

13. Many candidates stated " There was no increase in the cases of fraud or embezzlement in the Government of....."

14. It was stated in the question paper that it was considered sufficient merely to report the matter in the form of a letter instead of in the form of a full-dress despatch. This was only as instruction to the candidates as to how to prepare the draft, *i. e.*, whether in the form of a plain letter or in the form of a formal despatch. In numerous cases the candidates reproduced these words in the draft itself thus,

> " The Governor-General in Council has decided to report the facts in the form of a letter to the Under-Secretary of State for India instead of in the form of a full-dress despatch.

15. Coinage of words is not uncommon as the past tense ' hold ' as ' holded ' or as " The Governor in Council *have* come to the conclusion."

16. The following are a few examples to illustrate

that the correct English is not used :—

(*i*) Government of India addressed on the subject *to* all Local Governments.

(*ii*) Enquired whether there was no legal objection *in* the execution of contracts.

(*iii*) "To define in precise terms" written as "to definite in precise terms."

(*iv*) "The Punjab Government on receipt of the above *called* invited the opinion."

(*v*) Before addressing *to* Government of India the Secretary of State invited opinion of the legal adviser.

(*vi*) "At the same stated" instead of "at the same time stated."

(*vii*) Precis made in the past tense but no heed was paid to the sequence of tenses for instance the words "cannot", "will", "shall" used instead of "could," "would," "should."

(*viii*) "The replies from the *Heads* showed" instead of "the replies from the Heads of Department.

(*ix*) "Is not value" instead of "is of no value."

(*x*) In the draft letter from the Chief Secretary of Government Punjab put up by a candidate the words used are "the opinions of the heads of Departments under *my* control."

(*xi*) "Whereas others *or* not" instead of "whereas others are not."

(*xii*) One of the candidates commenced the draft with the words "I am directed to state" and thereafter used the words "the correspondence that has passed between *us* and the various Heads of Departments."

(*xiii*) One candidate has put his initials below the draft

and a few others have written at the end of the draft " (Sd). H. D. Craik *Esq.*, *C.S.I.. I. C. S.*"

(*xiv*) "It will be *possible* or at least very difficult" instead of " it will be impossible or at least very difficult."

17. Draft in some cases is not in consonance with the data as per correspondence. This should be rigidly adhered to and no comments or opinions included.

18. The subject of the draft is either omitted therefrom and where given, it is either too brief or incorrect.

Form of beginning an official draft.

The body of the letter in an official draft usually begins with one of the following sentences :—

1. The Government of India have it had for sometime under consideration the question of.....

2. With reference to Government Resolution No. .....of the.....I have the honour to say that.....

3. With reference to your No.....dated....., I have the honour to $\frac{\text{state that...}}{\text{enclose herewith...}}$ forward...

4. Referring to your No.....of.....ultimo, I have the honour to state that in my opinion.....

5. With reference to Government Resolution No..... dated.....I have the honour to report that.....

6. With reference to your letter No.....dated.....I have the honour to state that the consensus of opinion of .....is in favour of.....

7. In reply to your No.....dated.....I have the honour to.....

8. With reference to your proposal contained in

your letter No...dated...I have the honour of stating...

9. With reference to Government proposals cotained in your letter No.....dated....., I have the honour to inform that.....

10. With reference to your letter No....., dated..... inviting their Lordship's views on the proposal made by the Government of India in paragraph.....of their letter on the above subject, I am directed by the Honourable the Chief Justice and Judges to say.....(*This is the beginning of a draft from the Registrar of a High Court*).

11. I am directed by the Governor in Council to forward, for favour of opinion and for any further suggestions which you may have to make.....(*This is the usual beginning of a circular draft from a Provincial Government to the Heads of Department.*)

12. I have the honour to $\frac{\text{refer}}{\text{reply}}$ to your letter No. ....., dated the....., on the subject cited above and to $\frac{\text{say}}{\text{state}}$.....

13. With reference to.....circulated with your letter No.....dated....., I have etc.

14. With reference to your endorsement No....., dated.....I have etc.

15. The attention of Government has been drawn to.....

16. With reference to your No....., dated....., regarding....., I have the honour to submit.....

17. With reference to your No....., dated....., asking to express my views in the matter of....., I have etc.

18. With reference to your No....., dated....., in regard to.....I have etc.

19. With reference to your letter No....., dated ....., on the subject of.....I have the honour to state as follows.

20. I am directed to request that the Government .....may be favoured with.....

21. I am directed to refer to your letter No....., dated the....., on.....and to communicate the views of.....

(*This is the beginning of a draft from a Provincial Government, the Government of India, the Registrar of a High Court, Board of Revenue, Railway Board, the Public Service Commission or similar bodies.*)

22. I am directed to invite the attention of the..... and to $\frac{\text{put forward certain suggestions}}{\text{state}}$.....

23. I am directed to acknowledge the receipt of Mr. .....'s letter.....

(This beginning is used by the Offices mentioned in 21 above.)

24. Referring to your letter No....., dated....., I have etc.

25. When reference to letter No.....dated the..... from the.....I have etc.

26. I am directed to reply to Mr.....'s.....No..... of the....., in which.....

27. I am directed to refer to...and to $\frac{\text{communicate}}{\text{convey}}$ the views of the local Government on the questions raised therein as follows :—

28. I am directed to send the following reply to the several points raised in the letter from.....

29. In continuation of my letter, I have etc,

30. I beg to forward, herewith for favour of orders.

31. I have the honour to forward a copy of letter No....., dated the..., from the....., on the subject of.....

32. I am directed to reply to the points raised in your....., in connection with the question of.....

33. With reference to your memorandum No....., dated.....forwarding for opinion a copy of.....regarding ....., I have the honour state.....

34. I have the honour to refer to the correspondence resting with Mr.....letter No....., dated.....

35. With reference to Mr.....letter No....., dated ....., on the above subject I have the honour to say.....

Another commentary on the answer papers of "Precis and Draft."

(2)

1. In the answer paper on "Precis and Draft" particular attention must be paid to grammatical accuracy, orthography, construction and arrangement of sentences and clauses, and above all, choice of words. The sentences must be so connected as to produce an easy and logical flow of thought and expression from one point to another. The words chosen should be simple. Clearness and brevity should be borne in mind. A good vocabulary which is to be achieved by a close study of good English writings is essential for this purpose. In drafting, synonyms are valuable aids to style. The recurrence of one and the same word close by makes a discordant sound and the right use of a synonymous word will not only avoid this but will probably introduce certain rhythm of language. Penmanship plays an important part. Tendency to adopt

a flourishing style of handwriting should be discouraged as it renders many a word undecipherable in consequence of uneven size of letters and fanciful strokes of pen. The rule of dotting the 'is' and cutting the 'it' should never be forgotten.

2. In the present 'precis,' Draft schedule IV was the principal document. It should have been appended to the precis as an appendix. In most cases attempt has been made to make an abridgment of the draft Rules, no precis should have been made of these rules. Similarly the revised schedule has not been attached to the draft (although in its body it has been stated as enclosed). This is a serious omission and is likely to prove suicidal in an examination. This question was set intentionally with a view to see whether the candidates could get at the desired objective. But for the appending of this schedule to the draft, there was no material to be drafted.

3. In the precis the portion which should have appeared in the end, has formed a part of the preamble. The preamble in turn has not been happily worded and clearly put. Reasons which led to the revision of the schedule should have been given in the preamble. It is the *only* thing which can produce a good impression on the Examiner.

4. As all the Provincial Governments were practically unanimous, the mention of their views separately was unnecessary. The matter should have been put very briefly in a consolidated form.

5. The recommendations of the Government of India regarding the amounts of balance which should

have been set forth, have been omitted in some cases. The observations made by the Secretary of State have not been completely embodied in the precis.

6. Insertion of matter which has not been given in the question paper is extremely undesirable. One of the candidates has stated :

"We are carefully watching the working of the new scheme and hope that the difficulty anticipated by him (Lord Birkenhead) would not materialize." This nowhere appears in the question paper.

7. In one answer paper the draft is commenced as follows :—

"We have the honour to advert to Lord Birkenhead's despatch" instead of His Lordship's despatch. The use of the word 'his' and the 'Secretary of State' in the draft is also unwarranted.

8. Instead of stating 'the Earl of Birkenhead,' 'the Right Hon'ble the Marquess of Zetland' has been given in an answer paper. In one paper the draft has issued from Lord Linlithgow instead of Lord Irwin.

9. One candidate has torn off a renewed schedule IV and appended it to the draft but he has not amended the schedule in the light of observations made by the Secretary of State. He has made corrections where they are uncalled for and omitted from where they are necessary. The tearing off of the schedule from the file of the question paper shows that he devoted almost all the time to the precis. This is against the instructions issued in the previous commentaries on the subject of apportionment of time alloted.

10. In a 'precis, the use of such terms as "the Secretary of State for India was glad to sanction the proposal" was unnecessary. Suffice it to say, the Secretary of State sanctioned the proposal.

11. It was pointed out on the previous occasions that 'precis' should invariably be in the past tense but some instances where the present tense has been adhered to are still noticeable in the answer papers. This should be avoided.

13. In one case the draft begins "My Lord" but it is not stated to whom it is addressed. This should be guarded against.

13. The following are the instances of incorrect words etc. used in the answer papers.—

Incorrect	*Correct*
Developement.	Development.
Governmant.	Government.
Veceroy.	Viceroy.
Pleased consult to	Pleased to consult.
As a experimental and	As an experimental measure and
Considered the observations made by your Lordship.	Noted the observations made by your Lordship.
Meet your approval.	Meet your Lorship's approval.
Might be give.	Might be given.

MODEL DRAFTS.

(1) Model Draft of Exercise 29 of "Practical Guide to Precis-Writing" (2nd Edition).

Alteration of the method of remuneration of Public Prosecutors in the Punjab.

SIR,

With reference to your letter No. 4761-S. (Home-Judl.) dated the 3rd October 1922 on the above subject, I have the honour to say that there is some diversity of opinion in the matter among Deputy Commissioners in my Division. Thus while Deputy Commissioner, Mianwali considers the proposal as eminently sound, Deputy Commissioners, Jhelum, Shahpur and Gujrat have no objection to urge in principal. Deputy Commissioner, Rawalpindi is strongly opposed to the method of remuneration proposed as he apprehends that it is likely to lead to inefficiency and neglect of Government work owing to the Public Prosecutors being allowed the right of private practice. Higher grades of pay have also been suggested for Public Prosecutors in Rawalpindi, Gujrat and Jhelum. It appears to me that the rates of pay proposed are on the whole less suitable than those sanctioned in 1921, and I can only recommend that the scheme of reorganisation may be sanctioned on an experimental basis.

I have etc.

(2) " Model Draft of Exercise 30 of "Practical Guide to Precis Writing." (2nd Edition).

No.————Finance of 1935.

To

The Right Honourable His Majesty's Secretary of State for India.

Simla, dated the 27th May, 1935.

SUBJECT: Concessions admissible under Fundamental Rule 83, Special Disability Leave Rule.

SIR,

We have had occasion to deal with certain cases falling under F. R. 83 in which it was considered desirable to recommend them to you for the grant of more liberal concessions than were allowed by the Rule. On your raising the general question in the case of one of them that:—

(*i*) Whether the concessions admissible under F. R. 83 were ordinarily sufficient; or

(*ii*) otherwise the rule should be modified so as to assimilate more closely to the following concessions admissible to military officers incapacitated by military service:—

(*a*) Three months' leave on full pay of the appointment held prior to being placed on the sick list, followed by pay of rank and half staff pay of substantive appointment for a period not exceeding six months. The three months full pay leave may be combined with privilege leave without prejudice to the six months' sick leave on pay and half pay;

(*b*) Free medical treatment both in India and England; and

(*c*) Free passages both ways for officers and their families, subject to certain restrictions in the case of the latter.

We invited the opinions of the Provincial Governments and proposed that instead of incorporating the concessions in the rules which have likely to be more freely given than was intended, the cases in which concessions seemed desirable should be dealt with individually on their merits.

2. From the replies received (copies enclosed) it would be observed that all the Provincial Governments have agreed to the proposal in principle, that the Fundemental Rule 83 be liberalised. Bengel, Assam and Bihar and Orissa agreed to our suggestion that the cases should be dealt with individually on their merits, while C. P. and Bombay recommend that the concessions should be includin the Fundamental Rules.

3. The Government of the Punjab accept the proposal of incorporating the concessions in the rule in cases of injury and suggest that the cases of illness may be dealt with on their merits.

4. The Government of the U. P. propose that corresponding concession in the case of civil officers in lieu of the first should be :—

"Four months' leave on full average pay, plus leave on half average pay thereafter to such extent as may be necessary not excluding the maximum of two years laid down by the existing rule, with liberty to add this disability leave on full average pay as

much of his ordinary leave on full average pay as the officer desires, upto a maximum of eight months in all," admissible at the discretion of the Local Government. As regards the concessions of free medical treatment in England and free passages, the Government of the U. P. consider them unnecessary.

5. The Government of Madras are of opinion that the military rules cannot be applied to the civil departments and suggest some additional concessions to be granted on the recommendation of a medical board.

6. The Government of Burma favour the adaptation of the rules to suit the conditions of the Civil Services and propose that the period during which leave salary equivalent to the full pay will be admissible should be reduced to four months. They support the proposals of free medical treatment and passages.

7. We, therefore, propose that the concessions admissible to satisfy officers incapacitated by military service be modified in such a way as to suit Indian Services, and a copy of the Fundamental Rule 83 after amendment be furnished to us for publication in the Gazette of India.

We have the honour to be,

Sir,

Your most obedient, humble Servants,

Viceroy and Members.

Note:—When the Secretary of State for India is not a Lord he is addressed as 'Sir.'

Commentary on Exercise 31 of the "Practical Guide to precis writing."

The following are the mistakes noticed in the answers to this question :—

(*i*) The draft was in many cases incorrectly addressed *e. g.* to all local Governments or to all Minor Local Governments, or to all Local Governments and Administrations. Only Provincial Governments should have been addressed and it should have sufficed to have begun the draft by saying.

To

All Provincial Governments.

(*ii*) Subject was not given at the top of the letter or the subject given was incorrect *e.g.* "Amount of leave given to domiciled staffs of large commercial undertakings in India."

(*iii*) The draft need not have been put in fair copy form, or, if so put, correct form should have been adopted. In one case, the name and designation of the writer were wholly incorrectly expressed as follows :—

From His Excellency the Rt. Hon'ble Mr. A. B. C., Esq.,

I. C. S. Secretary to the Government of India.

This could have been dispensed with altogether if fair copy form had not been adopted. In another case, the conclusion at the end was incorrect, *i. e.*

I have the honour to be,
Sir,
Your obediently.

In yet another, the conclusion was

I have etc.,
My order etc.,

It should have sufficed to have ended up the draft as:—

I have etc.

(*iv*) In many cases the passage for drafting was merely copied out in the draft without any attempt at arrangement, paragraphing or otherwise touching it up where necessary.

(*v*) Paragraphs of the draft were not numbered.

(3) Model draft of exercise 31 of "Practical guide to precis-writing. (2nd Edition).

To

All Provincial Governments.

Subject :—Formulation of leave terms for future recruits for services and posts which will be controlled by the Governor General in Council on the promulgation of the Classification Rules.

Sir,

I am directed to invite attention to the correspondence emanating from Mr. Tennant's letter No. F 27/RI/28, dated the 28th January 1929 on the above subject and to say that the replies received to that letter disclosed that while it is generally agreed that the present leave rules are unnecessarily liberal there is not the same unanimity of opinion among local Governments as to the detailed proposals put forward in that letter.

2. The Government of India have collected certain further information as regards the amount of leave given to domiciled staffs of large commercial undertakings in India, and are now disposed to think that the reduced terms proposed by them are still too generous for the locally recruited staffs of Central Services or establishments under the Central Government who serve in their own country and in most cases within easy reach of their homes. The facts elicited seem to warrant the reduction of leave terms for locally recruited staff to one month annually including casual leave other than regularly

closed holidays together with fairly liberal medical leave on half average pay, though as regards staff recruited to serve at some distance from their homes, it may be considered expedient to adopt the terms proposed in the letter of the 28th January 1929.

3. The Government of India are, however, making further enquiries and would be glad if the question could be discussed at the next Conference of Financial Representatives. I am accordingly to request that with the permission of the Governor in Council, the representatives of the local Government to that conference may be instructed to come fully prepared to discuss the matter on the basis of such information as the local Government may possess and any considerations which they may wish to urge.

I have etc.,

(4) Model draft of exercise 32 of the "Practical Guide to precis-writing." (2nd Edition).

No. of 192.
Government of India.
Finance Department.

To

The Right Honourable Baron Oliver of Ramsden,
His Majesty's Secretary of State for India,

Simla, the.....1923

Subject :—Commutation of pensions.

My Lord,

We have the honour to refer to Lord Peel's despatch No. 5-Financial, dated the 1st March 1923 on the above subject. The proposals made in the despatch related not only to the removal of existing restrictions on the commutation of pensions, but also to the source from which the payment of commutation values should be

financed and the manner in which the payments should be brought to account.

2. As the matter concerns the Local Governments also, we thought it desirable to obtain their views before replying to the despatch. We have appended to this despatch copies of our circular letter to Local Governments and of their replies.

3. It will be seen that, subject to certain minor reservations, there is general acceptance, in principle, of the main proposal. Even the Government of the Central Provinces, who alone have opposed the proposal, do not object to it in principle. As the proposal involved additional financial liability, we put before Local Governments the alternative suggestion that for the present the extension of the concession should be limited to officers of the Provincial services. Several Local Governments have represented that this discrimination in principle would be unwise and impolitic. Then and there, there is general acceptance of main proposals in Lord Peel's despatch that the right to commute a fraction of pension should be extended to Government pensioners as a whole and that there is no need to retain an ultimate power of refusal of permission to commute either in the interests of the pensioner or for disciplinary reasons. But several Local Governments have represented that they are unable at present to give effect to the proposals on account of the financial liabilities which this would involve, and we are not, therefore inclined to recommend the inclusion of the principles in the Fundamental Rules. The resultant conclusion is that the extension of the concession must, as at present, be left largely to Local

Governments, and the uniformity of practice cannot be secured on the lines proposed in Lord Peel's despatch, as it is out of question to compel them to grant their employees a concession which in their financial circumstance they cannot afford to give.

4. We enclose a Revise of the Section of the draft Fundamental Pension Rules which deals with the commutation of pensions. In draft rule 247-B, we have provided for the grant of the right to commute to officers who are in the service on the date on which the new pension rules come into force and to officers appointed after that date by the Secretary of State in Council. In case] of commutations by officers other than those covered by draft rule 247-B, we propose to prescribe one further condition that the residue of pension after commutation must not be less than Rs. 20 a month. In draft rules 248 and 247-B, the maximum fraction of pension which may be commuted will be altered from one-third to one-half if the recommendation of the Royal Commission to that effect is accepted.

5. With referenee to criticisms made by Local Government on points of detail, we propose to prescribe by a rule under Fundamental Pension Rule 144 that in the case of a Government servant retiring on an invalid pension, the medical certificate as to expectation of life must be that of Medical Board and that we shall take steps to have the tables of commutation rates re-examined periodically by our Actuary.

6. As regards the provision of funds and the method of accounting, it will be seen that there is a difference of

opinion amongst Local Governments. We enclose a copy of a note prepared by our Auditor General bearing on this point. For the reasons stated therein, we are in favour of taking charge in the first instance to "capital" rather than to "Debt Section" of our accounts and recommend strongly for the adoption of the system explained in the note. In our letter to the Local Governments we had suggested that repayment should be by equated instalments over a period of 100 years but the period now suggested is 15 years thereby making the provision of funds not only easiest but removing the difficulty which some of them have felt to the extension of this concession.

We have the honour to be,

Sir,

Your Lordship's most obedient, humble Servants,

(Sd.) Viceroy and members.

Precis and Draft.

Time allowed 3 hours.

Maximum marks (Precis 100 Draft 50).

16th May 1938.

A. Make a precis of the following correspondence :

No. F. 178/31124-Ests.
Government of India.
Home Department.

From

The Hon'ble Mr. J. Crerar, C. S. I.; C. I. E.,
Secretary to the Government of India.

To

All Local Governments.

Sir,

I am directed to address you with regard to the proposal made in paragraph 85 of the Report of the Royal Commission on the Superior Civil Services in India that

mutually binding legal covenants enforceable in the civil courts should be entered into between officers and the authorities appointing them. I am to enclose a copy of a letter from the India Office together with a reference made by the Indian Office to the Legal Adviser to the Secretary of State and the reply of the Legal Adviser. It will be observed that the main conclusion which emerges from this correspondence is that an officer cannot be given any right to sue for damages for wrongful dismissal, but that in respect of a number of other matters the right could be given by contract to officers to institute suits in India. The advantages and disadvantages of introducing such a system are stated in the India Office letter, and I am to enquire whether the Government of Madras etc., consider that it is desirable that such contracts should be entered into. If the answer is in the affirmative, I am further to ask that it may be stated what particular points should be included in the covenant. I am also to ask whether as recommended by the Royal Commission contracts should be entered into not only in the case of future recruits but in the case of existing officers.

2. I am to request that the reply to this letter may reach the Government of India not later than the 15th Dec. 1924.

Letter No. S. and G. 1415-24, dated the 7th August 1924, from the Secretary, Services and General Department, India Office to the Secretary to the Government of India, Home Department.

1. I am directed by the Secretary of State for India to refer to the recommendation of the Lee Commission that naturally binding legal covenants should be entered into be-

tween future recruits and the authorities appointing them.

2. The Government of India have no doubt already directed their attention to this recommendation, but it may be of assistance to aquaint you with the result of a preliminary investigation which has been made here into the practicability of giving effect to it.

3. The first step in the investigation was to analyse the various matters in respect of which covenants were likely to be put to the crucial test of actions in the Courts and to ascertain, as definitely as possible, how far such covenants would in fact be likely to be held to be binding upon Government. The questionnaire put to the Legal Adviser to the Secretary of State, which is attached to this letter and his replies (also enclosed) give his opinion upon the points raised.

4. The conclusions which broadly follow from these enquiries are :—

(*i*) As the law now stands the right of the Crown to terminate service at will cannot be barred by contract. Any provision in an officer's covenant, therefore, which purported to give him the right to sue in Courts for wrongful dismissal would be void. The expedient of amending the law in this respect may be dismissed as impracticable. This disposes of item (*a*) in paragraph 1 of the questionnaire.

(*ii*) The right could be given by contract to officers to institute suits in India in respect of most if not all the other reliefs (*b*) to (*f*) (vide paragraph 4 of the Legal Adviser's Note).

5. Conclusion (1) inevitably suggests the doubt whether the right to sue in India in certain cases would be of any value if officers can be dismissed at will and can consequent-

ly be deprived summarily of most, if not of all, of the benefit they might expect to obtain by suit for a minor relief.

6. On the other hand the system of legal covenants offers certain advantages which may be set against this objection. For instance the relations between Government and its officers could coveniently be defined in such covenants with the utmost possible precision—an advantage which is likely *per se* to be of increasing benefit as services are provincialised and pass under the management of non-officials comparatively unfamiliar with service conditions. Moreover, though it is impossible to confer any legal protection against dismissal at the will of the Crown in the existing state of the law, and impracticable to consider any amendment in limitation of the prerogative in this respect, the existence of these covenants should afford a certain perhaps considerable, moral protection against arbitrary dismissal; for a Government in India which in order to get rid of an officer, pleaded the prerogative of the Crown in an arbitrary manner (*e. g.*, with a view to avoiding the effects of legal proceedings which such an officer might be initiating of one or more of the relief (*b*) to (*f*) in paragraph 1 of the annexure to this letter) would lay itself open to justifiable criticism from the Courts. The knowledge that such criticism serve as likely to be incurred would to this extent would be a protection to the Services against arbitrary use of this prerogative of the Crown.

7. There remains the possible objection that recruits to the services might, if a system of covenants were adoped, form the impression that their rights were thereby completely safeguarded and that they could even legally sue against wonderful dismissal. This objection would, however, be substantially met if some intimation were conveyed to recruits concurrently with the execution of their covenants

that their rights of suit at law were necessarily limited by the inherent right of the Crown to dismiss at pleasure. A precedent for such an intimation exists in the statement made in the letter of appointment given by the Colonial Offices to officers recruited for their services (vide copy enclosed).

8. The conclusions, therefore, resulting from the preliminary investigation here into the practicability of giving effect to the Commission's recommendation that mutually binding covenants should be entered into between future recruits and the authorities appointing them are (1) that such covenants are within certain limitations practicable and (2) that the advantages which the execution of such covenants would confer may outweigh the disadvantages, provided that officers are fully informed of the limitations in question.

Rights of suits etc. (with reference to the Commission Recommendation (iii).

Note by P. J. Department, dated 17th July 1924.

Will the Legal Adviser kindly give his opinion on the following questions for the use of the Committee which is dealing with the Lee Commissions recommendations :—

1. Can a Government servant in this country use
   (*a*) For damages for wrongful dismissal;
   (*b*) For payment of pension superannuation or abolition of appointment :
   (*c*) For payment of higher rate of pension than Government has awarded him :
   (*d*) For payments of salary or out of Provident Funds alleged to be due to have been withheld :

(*e*) For payment of a higher rate of salary than that which the Government are paying:

(*f*) For promotion to higher grade?

2. If a suit is maintainable on any of the above grounds, in what way would execution of a decree in favour of the plaintiff be enforced?

3. In so far as the salaries and pensions of Government servants are not fixed by statute or by orders having statutory force, would it be a condition precedent to the maintainability of a suit on any or all of the above grounds that the plaintiff should be able to plead a specific contract for breach of which his claim is preferred?

4. Having regard to the recommendations of the Lee Commission, would your answers to the points in question I differ in any respect if they related to a Government servant in India?

5. If a Government servant in India engaged on the conditions now usually observed is unable to maintain a suit against the Secretary of State in Council for any of the remedies specied in question 1, would it be possible to contract with him on terms which remove the disability, and, if possible would there be any legal or constitutional difficulties created by the adoption of such a system of contractual obligations?

The 17th July 1924. V. DAWSON.

Opinion of Legal Adviser in reply to above.

It is not easy to answer your questions fully, there are so many exceptions. I give the general rule.

1. (*a*) to (*f*) No suit against the Crown is possible in respect of any of these matters. Any proceedings against the Crown must be by petition of right for which the Attorney General's fiat must be obtained.

(*a*) to (*e*) Servants of the Crown usually hold office at the Crown's pleasure only and have in general no right to claim compensation for dismissal or payment of pension or to make any claim based on such dismissal. No Crown servant governed by the Superannuation Acts has an absolute right to compensation for past services or to any superannuation or retiring allowance under the acts. But apart from any question of dismissal from retention in the Crown's service a petition of right would no doubt lie for recovery of pension or arrears of a pension or even for salary when the claim was based on a special contract and was not barred by any statutory provision. But obviously the right to proceed by petition of right in the above case is of little value where the servant is liable to be dismissed at will. Consequently the reported cases are few and the only modern reported cases of claims to salary are cases brought by arrangement as test cases.

By the common law no servant of the Crown can claim compensation for abolition of his appointment. There are certain statutory provisions for compensation but they usually bar suits and provide special machinery for the assessment of compensation. There used to be a Provident Fund in the Office but it has long ceased to exist. I have not heard of Provident Funds in any other public offices. If there are any I know nothing about their rules and therefore cannot answer the question asked on this subject.

(*f*) No, except possibly where there has been some special contract which is enforceable. Here again the right to sue on such a contract would in practice be of no value where the man was liable to be dismissed at will.

2. There is special statutory provision for the case of orders for payment of money made against the Crown on petitions of right. The Court is to send a certificate to the Treasury and the Treasury are required to comply with the order. No provision is made for the case of the Treasury failing to comply with the order, but it is supposed that the party claiming payment would be able to apply for a mandamus and take further proceedings. In practice the Treasury do not wait for the certificate. They comply with the order at once.

3. A claimant suing on a contract must prove it. In some cases the law requires a contract to be in writing formal or informal but subject to that a contract forming basis of a claim by a Crown servant need not be proved by any particular kind of evidence.

4. In India a Government servant cannot sue the Secretary of State for damages for wrongful dissmissal. Nor can he sue for his pension except where there has been a contract outside the Regulations. He might sue for salary on a definite contract and incidentally raise the question of his promotion to a higher grade. But ordinarily no such suit is maintainable. Moreover the right to bring such a suit is of no value where he is liable to be dismissed at will. Usually the rules of Provident Funds are worded in such a way as to make interference by the Courts impossible. When this is not the case if a man could show a definite right to a certain amount in the Fund he might sue for it, but I cannot recall any such case. As regards the execution of decrees in India against the Secretary of State in Council see section 82 of the Code of Civil Procedure which follows

the lines of the statutory provision here but definitely contemplates execution in the ordinary way if the decree remains unsatisfied for three months after a report has been made to the Government.

5. As the law now stands the right of the Crown to terminate service at will cannot be barred by contract. Anything short of a statutory provision which purports to restrict the right is void. We would by contract give Government servants in India the right to maintain suits for reliefs (*b*) to (*f*) in question 1 but would that be of any use if they could be dismissed at will without reason given.

The 19th July 1924. E. CHAMIER.

Endorsement by the Punjab Government on Government of India, Home Department, letter No. F. 178-31-24 Ests.. dated Delhi, the 5th November 1924.

No. 26002 (Home-Gaz.), dated Lahore the 21st November 1924.

Order of the Governor in Council.

Copy, with copy of enclosures, forwarded to the—

1. Inspector-General of Police, Punjab ;
2. Inspector-General of Civil Hospitals, Punjab ;
3. Chief Consevator of Forests, Punjab ;
4. Director of Public Instruction, Punjab ;
5. Joint Secretary of the Financial Commissioners, Punjab ;
6. Chief Engineer, Public Works Department Building and Roads Branch ; and
7. Chief Engineer. P. W. Deptt., Irrigation Branch,

for information, with the request that (to all except No. 5) he will favour Government, as soon as possible, but not later than 5th December 1924, with an expression

of his views on the points raised in the Government of India letter.

(to No. 5) the Governor in Council may be favoured as soon as possible, but not later than 5th December 1924, with an expression of the views of the Financial Commissioners on the points raised in the Government of India letter.

Telegram No. F.-178-31-33-Ests., dated 23th Nov., 1924.

From—Delhi. To—Lahore.
From—Home. To—Home.

Your telegram dated 14th November, No. 41 Home Department, letter No. F.-178-31-24-Ests., of 5th November, with enclosures, regarding legal covenants should not be shown to Service Association : but no objection to communicating to them confidentially a statement which is being forwarded by post. It must not be disclosed that the Secretary of State has expressed views of any kind. Addressed to the United Provinces, repeated to the Punjab.

No. F.—178-31-24-Ests., dated Delhi, the 25th Nov., 1924.

From—H.G. Haig, Esq., C.I.E., I.C.S., Officer on Special Duty with the Government of India, Home Department.

To—The Chief Secretary to Government, Punjab.

Subject—Recommendations of the Lee Commission relating to legal covenants.

In continuation of the Home Department telegram No. F.172-31-24-Ests., dated the 25th November 1924, I am directed to forward herewith the statement referred to.

Statement.

The legal question connected with the proposal of the Lee Commission in paragraph 25 of their report

that mutually-binding legal covenants enforceable in the civil courts should be entered into between officers and the authorities appointing them have been examined, and the general conclusions which have resulted from this examination are :—

1. As the law now stands, the right of the Crown to terminate service at will cannot be barred by contract. Any provision in an officer's covenant therefore which purported to give him the right to sue in the courts for wrongful dismissal would be void.

2. The right could be given by contract to officers to institute suits in India in respect of such matters as payment of pension on superannuation or abolition of appointment, payment of a higher rate of pension than Government has awarded ; payments or salary or payments out of Provident Funds alleged to be due, but to have been withheld ; payment of higher rate of salary than that which Government are paying ; and possibly promotion to a higher grade.

2. It may be taken that it is impracticable to consider any amendment in limitation of the prerogative of the Crown to terminate service at will. This suggests the doubt whether the right to sue in certain cases would be of much value if officers can be dismissed at will, and can consequently be deprived summarily of most, if not of all, the benefit they might expect to obtain by suit for a minor relief. On the other hand, the system of legal covenants may be held to offer certain advantages. The relations between Government and its officers could conveniently be defined in such covenants with the utmost precision. Again, though it is impossible to offer any

legal protection against dismissal at the will of the Crown, the existence of such covenants might afford a certain moral protection against arbitrary dismissal; for a Government which pleaded the prerogative of the Crown in an arbitrary manner would lay itself open to justifiable criticism from the courts. It would of course be necessary that officers should fully realize that they are not completely safeguarded by a legal covenant of this nature, and they cannot sue against wrongful dismissal.

No. B.—220—dated Lahore, the 28th Nov., 1924.

From—W. Mains Esq., F. C. H., I. F. S., Chief Conservator of Forests, Punjab.

To

The Secretary to Government, Punjab.

In reply to your endorsement No. 26002—(Home-Gaz.), dated the 21st November 1924, forwarding, for opinion, copy of Government of India letter No. F.-171-31-24-Ests., dated the 5th November 1924, I have the honour to inform you that I have consulted all Conservators, and that we are of opinion that a legal contract is desirable, both in the case of new recruits and officers already in the service. The following matters might suitably be provided for in the contract :—

Pay and promotion.
Travelling allowance.
Leave rules.
Pension (ordinary and proportionate).
Free passage concessions.
Remittance concessions.
Medical attendance.

No. 13727-E., dated Lahore, the 1st Dec. 1924.

FROM

E. TYDEMAN, Esq., B. A., I. E. S., Officiating Director of Public Instructions, Punjab.

To

The Chief Secretary to Government, Punjab.

With reference to your endorsement No. 26002 (Home-Gaz.) dated 21st November 1924, forwarding for opinion, a copy of Government of India letter No. F.-178-31-24-Est., dated 5th November 1924, on the subject of the proposed contracts to be entered into by members of Government services, I have the honour to state that, in my opinion, it would be desirable to continue for future recruits to the superior Educational Services a similiar system of contracts to that which has obtained in the past in the case of recruits to the Indian Educational Service. The contract has, in the past, been valued by members of the Indian Educational Service as tending to a feeling of security which is essential to stability and contentment, and I see no reason to suppose that a contract whould be of less value in the future than in the past.

2. With regard to the particular points to be included in the covenant, I would suggest, in addition to such as are covered by the present form of contract for Indian Educational Service officers, the points referred to in paragrph 85 of the report of the recent Royal Commission, excluding No. V (Right to compensation in case of dismissal, which appears, from the opinion of the Legal adviser to be inadmissible), and adding articles—

(*a*) determining the class of travelling allowances to which the officer shall be entitled; and

(*b*) securing free quarters (where admissible).

3. With regard to the existing officers of the Indian Educational Service, it would appear from paragraph 65 of the report that it is contemplated that such officers shall enter into new contracts with the Secretary of State. It is understood that such contracts will secure to these officers their present rights and privileges and, in addition, certain others rights not definitely stated in their existence contracts. This additional security would, I believe, be appreciated and would tend to promote the efficiency of the public service.

Dated 1st December 1924.

From

The Superintending Engineer, Bikaner Circle, Sutlej Valley Project.

To

The Chief Engineer, Irrigation Works, Punjab, Sutlej Valley Project.

With reference to your endorsement No. 7754-E-I., dated 26th November 1924, I have the honour to submit the result of the deliberations of the committee called to consider the question of the proposed contracts to be entered into by Government servants. Rai Bahadur A. N. Nanda, Sanitary Engineer and Mr. K. G. Mitchell, Executive Engineer, attended on behalf of the Buildings and Roads Branch.

Endorsement by the Chief Engineer, Irrigation Branch, Punjab.

Copy, with enclosure, in original, forwarded to the Chief Secretary to Government, Punjab, for information, with reference to his endorsement No 26002 (Home-Gaz.

dated 21st November 1924, with the remark that the Chief Engineers agree with the views expressed in the report.

Minutes of meeting of officers detailed below to consider Punjab Government, letter No. 26002 (Home-Gaz.), dated Lahore, the 21st November 1924.

PRESENT.

Mr. R. P. Hadow, Superintending Engineer, Irrigation Branch.

Mr. G.M. Ross, Executive Engineer, Irrigation Branch.

Rai Bahadur Natha Singh, Executive Engineer, Irrigation Branch.

Mr. K. G. Mitchell, Executive Engineer, Buildings and Roads Branch.

Rai Bahadur A. N. Nanda, Sanitary Engineer, Buildings and Roads Branch.

We find difficulty at the outset in dealing with this reference owing to the fact that we are unaware as to the correct legal interpretation of the term "Servants of the Crown in India," for it will be observed that the opinion of the Legal Adviser to the India Office refers only to this class of officer. We assume that the term covers present members of, and future recruits to, the All-India Services as at present constituted, as also all officers holding contracts with the Secretary of State; we are uncertain whether it refers to members of the Provincial Services recruited by Local Governments, and, looking into the future, we are doubtful of the position of servants of a Government in India in the event of the grant of Dominion status. In default of precise knowledge, which we are unable to obtain in the short time at our disposal, we assume that

members of Provincial Services are "Servants of the Crown in India" and within the meaning of the terms of reference and that, under any Dominion form of Government, legislation will be introduced so as to reproduce the prerogative of the Crown to dismiss a Government servant without compensation in such a way that Government will be protected against the institution of a suit.

2. Working on this assumption, we are of opinion that it would be desirable if all present members of, and future recruits to, services entered into a contract with Government, though we note that, for the reasons set forth by the Legal Adviser to the India Office, the "mutually-binding legal covenant", suggested in paragraph 85 of the Lee Commission Report, is unobtainable. We are guided in this opinion, not so much by the arguments advanced in paragraph 6 of the India Office letter No. S. and G. 1415-24, dated 7th August 1924, to the Government of India, but by the fact that it is better to be safeguarded in most points likely to be disputed even if it be impossible to provide for all; in other words, a suitable form of contract, even if it does not cover all the ground, is better than none. Moreover, a contract can apparently be devised to cover practically all points, except arbitrary dismissal, which is not, at present at least, an event of occurrence. Such contracts should be entered into with present members of All-India Services, whether appointed by the Secretary of State or not.

3. The contract, if any, should be comprehensive, and we have therefore entered in full the items which we consider should find a place in it. Clauses should be

provided for :—

(1) A scale of pay not less liberal than that detailed in a schedule setting forth a time-scale for the service in which the officer is, or is about to be, employed, together with a schedule of the pay in the higher posts of that service.

(2) Leave rules not less liberal than those in existence when the contract was signed.

(3) The grant of passages, if any.

(4) Remittance privileges, if any.

(5) Pension rules not less liberal than those in existence when the contract was signed.

(6) The right to compensation on an adequate scale in the event of dismissal or in breach of definite conditions laid down.

(7) The right to retire on proportionate pensions in certain circumstances.

(8) Adequate compensation on the abolition of the appointment held.

(9) Payment out of Provident Funds when the officer's services are terminated.

(10) Adequate compensation for the abolition of posts which effect the officer's prospects.

(11) Right of appeal to an independent authority in case of supersession or reduction.

(12) Adequate allowances to cover the cost of travelling on duty.

(13) Provision of suitable house accommodation at a rent not exceeding 10 per cent of the officer's pay.

(14) The right of appeal for any breach of this contract

to the Public Services Commission, provided that officers having the right to appeal to the Secretary of State shall retain that right.

No. 27329 (Home-Gaz.) dated Lahore the 5th December 1924.

From.—

H. D. Craik Esq. C. S. I., I. C. S., Chief Secretary to Government Punjab.

To.—

1. The Honorary Secretary, Punjab Commission Association.
2. The Honorary Secretary Indian Police Association.
3. The Honorary Secretary, The Punjab Association of European Government servants.
4. The Honorary Secretary, the Provincial Association of Indians in the All India Services.
5. The Honorary Secretary, The Civil Engineers' Association.
6. The Honorary Secretary, The Punjab Specialists Association, 18 Golf Road, Lahore.

I am directed by the Governor in Council to forward herewith, for the confidential information of your association, a brief statement of the general conclusions which have resulted from an examination of the legal questions connected with the proposal of the Lee Commission in paragraph 85 of their report that mutually-binding legal covenants enforceable in the Civil courts should be entered into between officers and the authorities appointing them.

No. 27400 (Home-Gaz.) dated Lahore the 5th December 1924.

From

H. D. Craik, Esq. C.S.I., I. C. S., Chief Secretary Government Punjab.

To

1. The Inspector General of Police, Punjab.
2. ,, ,, ,, of Civil Hospitals, Punjab.
3. The Chief Conservator of Forests, Punjab.
4. The Director of Public Instruction, Punjab.
5. The Junior Secretary to the Financial Commissioners, Punjab.
6. The Chief Engineer, Public Works Department, Buildings and Road Branch.
7. ,, ,, ,, Irrigation Branch.

In continuation of my endorsement No. 26002, (Home-Gaz.) dated the 21st November 1924, I am directed by the Governor in Council to request that the Home Department letter No. F. 178-31-24 Est. dated the 5th November 1924, with enclosures, should be treated as confidential, and should not be shown to any Serving Association formed by officers of an All-India Service serving in your department.

(to 5 only) under the Financial Commissioners.

2. A brief statement of the General conclusions which have resulted from an examination of the legal questions connected with the proposal in paragraph 85 of the Lee Commission Report has been sent to all Service Associations in the Punjab.

No. 8445-9-15-24. A, dated Lahore the 6th December 24.

From

L. L. Tomkings, Esq., C. I. E., Inspector General of Police, Punjab.

To

The Chief Secretary to Government, Punjab.

Subject :—Legal Covenants.

With reference to your endorsement No. 26002 (Home-Gaz.) dated the 21st of November 1924, on the above subject, I have the honour to say that I am in favour of the proposal that mutually-binding legal covenants should be entered into between officers and the authorities appointing them. Such covenants should be entered into not only in the case of future recruits, but also in the case of all existing officers, and should include a statement of all the present rights enjoyed by officers of the All India Services and those which have been recommended by the Lee Commission and are to be accepted by Government. In addition to the points included in paragraph 85 of the Lee Commission Report the rights of police officers in the matter of promotion to the selection grade and to administrative posts require to be safeguarded.

No. 16255-dated Lahore the 8th December 1924.

From

C. C. Garbett, Esq. C. M. G., C. I. E., I. C. S.
Senior Secretary to the Financial Commissioners, Punjab.

To

The Chief Secretary to Government Punjab.

Under cover of your endorsement No. 26002

(Home-Gaz.) dated the 21st November 1924, you inquire the views of the Financial Commissioners on the Government of India, Home Department, letter No. F. 178-31-24-Ests. dated 5th November 1924, in which the advantages and disadvantages of introducing a system of contract for Government employees is discussed in the light of the opinion of the Legal Adviser of the Indian Office.

2. The Financial Commissioners are disposed to the view that, so long as Civil Servants continue to be servants of the Crown, their interests are best served by precision in regulations, and not by contract. The Lee Commission, when it talked of a mutually-binding contract, was, the Financial Commissioners, understand thinking of a contract under which an officer could sue for damages for wrongful dismissal. If no such contract is admissible, then a contract covering less important and subsidiary points would possess little value. Strictly worded regulations which no self-respecting Government would disregard appear to be a more suitable solution.

No. 9297-P. Dated Lahore the 8th December 1924.

From

Colonel C. R. Bakhle, I. M. S., Inspector General of Civil Hospitals, Punjab.

To

The Chief Secretary to Government, Punjab.

With reference to your endorsement No. 26002 (Home-Gaz) dated 21st November, 1924, I have the honour to inform you that, as it is not possible to confer any legal protection against the dismissal of public servants at the will of the Crown in the existing state

of the Law the introduction of the system of contracts or covenants is of doubtful utility, and I am not in favour of introducing a system which only aims at giving moral protection arbitrary dismissal.

Draft a letter from the Chief Secretary to Government Punjab to the Secretary to the Government of India, Home Department explaining clearly and concisely the views of the authorities consulted and adding the disadvantages of the proposal made by the Royal Commission on the whole outweigh its advantages. The following additional disadvantages may also be mentioned in the draft :—

1. Difficulty anticipated in defining in precise phraseology the grounds on which an officer's promotion could be withheld.

2. Difficulty to deal with incompetent or corrupt officers by reason of the fact that almost any disciplinary action short of dismissal could be questioned in civil courts.

Model Precis

The Lee Commission having recommended the desirability of mutually-binding legal covenants in civil courts being entered into between officers and the authorities appointing them, the Secretary of State made preliminary investigation into the practicability of giving effect to this proposal and sought the opinion of his legal adviser. The main conclusion which emerged from these enquires was, that an officer could not be given any right to sue for wrongful dismissal, but that, in respect of a number of other matters (*i. e.*) payment of pensions, salaries and promotions etc. the right could be given by contract to officers to institute suits in India. It was doubtful in the opinion

of the Secretary of State whether the right to sue in India in certain cases would be of any value, if officers could be dismissed at will, and thus deprived summarily of most, if not all, of the benefit resulting from a suit for minor relief. On the other hand it was considered by the Secretary of State that the system of legal covenants would offer certain advantage in as much as, although it was impossible to offer any legal protection, it would afford moral protection against arbitrary dismissal. The Secretary of State addressed the Government of India on the subject, acquainting them with the result of the preliminary investigation made in England, to assist them in considering the recommendation of the Lee Commission. The Government of India in turn addressed the Provincial. Governments on the subject and invited their opinion on three points :—

(1) Should a system of legal covenants be adopted ?

(2) If so, what particulars should the covenants contain?

(3) Should covenants be entered into only in the case of future recruits but in the case of officers then in service also ?

The Punjab Government referred the question to the Heads of Departments for expression of their views on the points raised.

It was also pointed out by the Government of India that their Home Department letter should not be shown to Service Associations but only a statement sent subsequently, which was to be shown confidentialy.

In reply all the Head of Departments (except the Financial Commissioners and the Inspector General of Civil Hospitals) favoured the adoption of the system of

legal contracts both in the case of new recruits and of officers already in service. The Financial Commissioners and the Inspector General, Civil Hospitals were, however, of the opinion that since the servants of the Crown could not be given the right to sue for wrongful dismissal, a contract covering less important and subsidiary points would be of little value. The Financial Commissioners thought that strictly worded regulations which no self respecting Government would disregard appeared to be a more suitable solution. The Chief Engineers Irrigation and B. & R. Branch supporting the views of the Committee called to consider the question, agreed with other heads of Departments and remarked that it was better to be safeguarded in most points likely to be disputed than if it were impossible to provide for all. They proposed the following items to be provided in the covenants :—

(1) A scale of pay not less liberal than that detailed in a schedule setting forth a time scale for the officer was or about to be employed together with a schedule of the pay in the higher posts of that service.

(2) Leave rules not less liberal than those in existence when the contract was signed.

(3) The grant of Passages, if any.

(4) Remittance Privileges, if any.

(5) Pension rules not less liberal than those in force on the signing of the contract.

(6) The right to compensation on an adequate scale in the event of dismissal or in breach of definite conditions laid down.

(7) The right to retire on proportionate pensions in certain circumstances.

(8) Adequate compensation on the appointment held.

(9) Payment out of provident fund when the officers' services were terminated.

(10) Adequate compensation for the abolition of posts which affected the officers' prospects.

(11) Right of appeal to an independent authority in case of supersession or reduction.

(12) Adequate allowance to cover the cost of travelling on duty.

(13) Provision of suitable house accommodation at a rent not exceeding 10 p. c. of the officer's pay.

(14) The right of appeal for any breach of this contract to the Public Services Commission, provided that officers having the right to appeal to the Secretary of State should retain that right.

Draft.

From

The Chief Secretary to Government, Punjab.

To

The Secretary to the Government of India, Home Department.

Subject :—Proposal made in para 85 of the report of the Royal Commission on the Superior Civll Services in India that mutually-binding legal covenants enforceable in the Civil Courts should be entered into between officers and the authorities appointing them.

Sir,

I am directed to refer you to your letter No. F/178/31-24. Ests., dated the 5th November, 1924 on the subject noted above and to state that the Governor in Council considered it desirable to ascertain and consider

carefully the opinion generally held by the Heads of Departments on the proposal of the Royal Commission.

2. The majority of the opinions received welcome the proposal though not with any great cordiality. The Chief Conservator of Forests, the Chief Engineer, Buildings and Roads, the Chief Engineer, Irrigation Branches and the Inspector General of Police are in favour of the proposal and hold that a legal contract with officers is likely to promote efficiency. They have also suggested that, as recommended by the Royal Commission, the contracts should be entered into between future recruits and the existing officers alike. The Director, Public Instruction has stated that it would be desirable to continue for future recruits to the superior Educational Service a system of contracts similar to that which has obtained in the past in the case of this service as it has tended to a feeling of security which is essential to stability and contentment.

3. The Financial Commissioners and the Inspector General of Civil Hospitals have definitely pronounced against the proposal on the ground that a contract governing only comparatively unimportant and subsidiary points would possess little value and that greater security would be conferred on officers by strictly worded regulations which no self respecting Government could in practice disregard.

4. The Governor in Council is inclined to think that a contract which did not include any right to sue for damages for wrongful dismissal can hardly be of any practical value.

5. There are undoubtedly certain serious disadvantages in the proposal from the Administrative point of

view. Of these, the Local Government is in a position to speak with a greater degree of certainty. In the first place, it would be extremely difficult to frame any contract of the nature contemplated with precision. It would obviously be a matter of the greatest difficulty to define in precise phraseology the grounds on which an officer's promotion could be withheld. Secondly that fact that almost any disciplinary action short of dismissal could be questioned in Civil courts would add greatly to the difficulty of the authorities in India in dealing with incompetent and corrupt officers.

6. For the foregoing reasons the Governor in Council is of opinion that from the point of view of Government, the disadvantages of the proposal made by the Royal Commission on the whole outweigh its advantages.

I have the honour to be,
Sir,
Your most obedient servant
Chief Secretary.

(A) Make a precis of the following correspondence.

HOME DEPARTMENT.

Judicial.

December, 1934, No. 171-78.

Arrest and Imprisonment for Debt.

No. L. 3013, dated New Delhi the 12th April 1933, from A. G. Clow, Esq. C. I. E., I. C. S. Joint Secretary to the Government of India, Department of Industries and Labour. to All Local Governments and Administrations.

Subject :—Arrest and Imprisonment for debt.

I am directed to address you on the subject of arrest and imprisonment for debt.

2. The present law on the subject is contained in section 51 and 55 to 59 of the Civil Procedure Code read with rule 37 to 40 in Order XXI. Under the substantive provisions of the Code a judgment debtor other than a women may be arrested and detained in prison in execution of a decree. But under rule 37, Order XXI a court may in lieu of issuing a warrant of arrest issue a notice calling upon the judgment debtor to show cause why he should not be detained. Under rule 40 the court may disallow his arrest and detention. There is thus no obligation on the court at any stage to order either the arrest or the imprisonment of a debtor who is genuinely unable to pay. But when a judgment debtor is brought to court the burden of proving that he is unable to pay rests upon him.

3. On page 232 of their report the Royal Commission on Labour recommend that, at least so far as

industrial workers in receipt of wages or salary amounting to less than Rs. 10 per month are concerned, arrest and imprisonment for debt should be abolished except where the debtor has been proved to be both able and unwilling to pay. The form of the recommendation suggests that the Commission would have favoured a more general abolition of arrest and imprisonment for debt had their terms of reference been wider and the first question which arises is whether imprisonment for debt (where there is no contumacy) should be abolished generally. This question has been considered on various occasions in the past, notably in the years 1881-83 when the Government of India consulted local Governments and other authorities upon it. Opinion on the subject was deeply divided, but the Government of India reached the conclusion that imprisonment for debt where no fraud was proved should disappear from the Indian statute book as soon as the conditions of the country permitted it. In furtherance of this policy they introduced in 1886 a Debtors Bill in the Imperial Legislative Council. The bill was designed to apply in the first instance only to what are now the United Provinces, but provision was made for its extension by notification to other parts of India. The intension was that the effect of the measure in Agra and Oudh should be observed before an extension was made and these provinces were selected mainly because the local Government and the High Court had agreed in supporting the principle embodied in the Bill. Mr. (afterwards Sir) Courtenay Ilbert appended to the Bill a Statement of Objects and Reasons which included a

vigorous plea for the principle at stake. An extract from this is given at the end of this letter (Annexure I).

4. The circulation of the Bill was the signal for further controversy and when the Bill emerged from Select Committee it was radically altered. The abolition of imprisonment for debt was restricted to female debtors; in respect of other debtors the most important changes were the grant to the Courts of a discretion, which they did not previously enjoy, to refuse to issue a warrant of arrest at the pleasure of a a decree holder, and the grant of the power to order the release of debtors who were genuinely unable to pay. The Member in charge of the Bill gave as the main reason for the changes desirability of maintaining "uniformity of practice in regard to execution of decree wherever the Code of Civil Procedure applies." The amendments which the Select Committee made were therefore intended for application to India generally, and had behind them the weight of the opinions received. The Bill in this amended form passed into law as the Debtors Act, 1888, and the substance of the provisions then introduced in the Code of Civil Procedure remains in the existing Code. No appreciable advance has since been made towards the elimination of imprisonment for debt; for, although the Civil Procedure Code of 1908 abandoned the principle of uniformity in the execution of decrees by giving High Courts extensive powers to alter the procedure, these powers have nowhere been used to make radical alterations so far as imprisonment for debt is concerned.

5. In 1914 the Government of Madras deputed Mr. A. J. Curgenven, I. C. S. to examine the circumstances in which civil debtors were imprisoned in that Presidency, "with special reference to the question whether their imprisonment was due to their inability to pay their debts or to their unwillingness to do so." His investigations into a number of cases led him to the conclusion that in the majority of these, the Courts, if they had held an inquiry into the circumstances of the debtor, would have refused to imprison. His report tended to confirm the view (cf. Annexure I, paragraph 28) that arrest and imprisonment not infrequently resulted in securing payment from some source on which the creditor was not entitled to draw. His main recommendation was that the courts should be obliged to adopt the procedure which the Debtors Act made permissive *viz.*, the holding of an inquiry into the debtor's inability to pay before his arrest or imprisonment can be ordered. The Madras Government after consulting the High Court, took no immediate action on the report as they considered that the times had not come for preventing imprisonment for debt. Subsequently the question received attention from the Civil Justice Committee of 1924-25, who were appointed with a view to securing the more speedy, economical and satisfactory despatch of business in the Courts. An extract from their report is appended to this letter (Annexure II). In 1927 following an examination of Mr. Curgenven's recommendations, the High Court of Madras, acting in agreement with the local Government embodied certain of his suggestions in their rules, and the Government of India consulted local Governments on other suggestions designed

to reduce the number of debtors imprisoned. Some support was forthcoming for part of the proposals, but not for the proposals as a whole; and as the general tenor of the replies was unfavourable, the Government of India took no action. These discussions, however, were not public, and as many years have now passed since there has been any general examination of the main question at issue, the Government of India are anxious that it should be re-examined and that public opinion should be canvassed upon it.

6. The arguments for and against the principle of imprisonment for debt may be briefly noticed. The main ground on which the maintenance of the present system is supported is that indicated in the extract from the Civil Justice Committee's report (Annexure II) *viz.*, that imprisonment is "as a rule" resorted to only if it is likely to prove effective, and that "in many cases" it is effective as no other substitute would be. It is significant that while High Courts have now the power to amend the rules under Order XXI of the First Schedule in such a manner as to prevent the arrest or detention of debtors who are honestly unable to pay, no High Court has taken this step. This must be taken as indicating that the highest judicial authorities are on the whole satisfied with the existing law and is in itself an argument of considerable weight against a change in the law. The majority of those who approach this question from the stand point of judicial experience are impressed by the difficulties which confront creditors who desire to enforce decrees and are anxious not to enhance those difficulties. It has been aptly said that "the

difficulties of a litigant in India begin when he has obtained a decree." Fraud and the various loopholes open to debtors are used to deprive many honest creditors of their rights. To remove one of the two ordinary methods by which a money decree is enforced would, it has been urged, add enormously to their difficulties. There is, indeed no doubt that the power of arrest and the threat of imprisonment are efficacious in many cases in producing money from judgment debtors; the contrast between the large number of persons arrested and the small proportion actually imprisoned is sufficient evidence of this fact.

7. The opposite point of view is set out in Annexure I, which though written nearly 50 years ago, contains little that is irrelevant to-day. Considerations such as those given by Sir Courtenay Ilbert had led, even at that time, to the abolition of imprisonment for debt in most civilized countries and have to be met by those who maintain the existing system in India.

8. The Government of India suggest that in coming to a conclusion on the question, the main issue is not so much the effect which the law has or might have on the actual execution of decrees as the effect which it has at a much earlier stage. Supporters and opponents of imprisonment for debt would probably agree that its abolition would make borrowing in certain circumstances much more difficult. It is agreed that the power of arrest and imprisonment is an effective aid to many creditors; and if this aid is withdrawn, the result is bound to be a contraction of credit in certain directions. This point is noticed in Annexure I and it forms the basis of the

Labour Commission's recommendation. To put the issue simply is it or is it not desirable that the contracting of debts which cannot be recovered except by the arrest of imprisonment of the debtors should be discouraged? The Statement of Objects and reasons of 1886 and the Labour Commission both answer this question in the affirmative. Referring to the workers with whom they were concerned, the Commission say:—

> "The worker's habits are due to a large extent to the fact that the lender finds in him a profitable investment and is ready and, indeed, eager to give the worker money which it is contrary to the latter's interest to accept. After weighing carefully the considerations on both sides, we are definitely of the opinion that it is in the worker's interest to reduce his attractiveness as a field for investment. In other words, efforts must be concentrated on diminishing his power of obtaining credit. We recognize the force of the argument against this conclusion. There are occasions when the worker is in grave need, and money lenders often perform a useful function in assisting the worker in emergencies. But the widespread havoc produced by the present system of comparatively easy credit far exceeds the hardships that would result from reduction in the money lender's readiness to lend." (Report page 231).

9. The strongest arguments for, if not also against a change in the law rest on general principles, and this

suggests that if any change is to be made it should be made generally and not in favour of particular classes. But there are also certain considerations specially applicable to the poorer classes of debtors. Among especially, a very large proportion of the loans are such that their conditions cannot be fulfilled or can only be fulfilled by inflicting prolonged aud severe hardship on the workman and his family. Further, the remedy offered by the insolvency court is probably much less effective in the case of workmen than in the case of those who are less ignorant and more able to defray the necessary costs. Finally the Civil Procedure Code, in giving special protection from attachment to the wages of labourers, already recognizes their special claim to protection ; but the power of arrest and imprisonment can be used to render this protection illusory.

10. To sum up the question on which the Government of India desire to secure advice is whether arrest and imprisonment for debt where no contumacy is proved should be abolished either generally or for particular classes of persons. I am to request that those likely to be specially interested may be consulted and public opinion generally sounded on the subject and that the Local Government's reply may be sent to reach the Government of India not later than the 30th November 1933.

Annexure I.

Extract from the Statement of objects and Reasons appended to the Debtors Bill 1886.

* * * * *

25. The arguments on which the up-holders of the

present system rely, fall into two classes; first arguments, which if valid at all, are valid for England as well as for India; and secondly arguments based on the special circumstances and conditions of India.

26. The arguments of the first class belongs the assertion that to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyse the commerce and trade of the country. The same objection was made in England, first to the obolition of arrest on mesne process, and afterwards to the abolition of arrest on final process. The power of arrest was removed and neither commerce nor trade showed any symptoms of paralysis.

27. Those who uphold imprisonment for debt, not as being generally expedient but as being specially required for India, do so mainly on two grounds; first the complexity and obscurity of Indian titles to property; and secondly the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realising his debts are not as great in England as in India. But, however, this may be, to make an honest though needy, debtor liable to imprisonment, simply because fradulent

debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessaries of life. The debtor ought not to be allowed by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience required in the Dekkan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognizes one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessaries of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest, and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that in great majority of cases exemption from arrest is purchased either by the renewal of bonds on extortionate terms or

by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all, and in the next place, the door which is provided for his release is, for some reason or other very rarely used.

Annexure II.

Extract from the Report from the Civil Justice Committee 1924-25.

* * * * *

Let us now deal with (*b*) the case of a judgment-debtor who is arrested because no payment is made. When he is brought into court, either he is kept in custody for a few days with a view to enable him to pay up the money or he is committed to prison, or he is discharged for one or other of the reasons specified in order XXI, rule 40, clause (1), *viz.*, poverty or other sufficient cause. We think that in not a few cases much maudling sympathy is shown to the judgment-debtor, who is supposed to be an innocent victim of the decree holder. If a man is really poor, the decree-holder is not likely to throw good money after bad to feed him in prison. He will as a rule ask for commitment only in cases where he believes that the judgment-debtor has secreted his properties—a not unusual proceedings. Experience shows that when

once an order for commitment is made money, appears in many cases in spite of protestations of poverty. We would, therefore, suggest not that the law should be altured but that it should be administered with less laxity.

(Report page 389.)

HOME (JUDICIAL) DEPARTMENT, DECEMBER, 1934, Nos. 171-78.

No. 172.

No. 14020-Ind. & Labour, dated Lahore, the 13th May, 1933, from F. H. Puckle, Esq., C. I. E., I. C. S. Secretary to Government, Punjab, Finance Department to the Assistant Secretary to the Government of India Department of Industries and Labour.

Subject :—Arrest and Imprisonment for Debt.

I am directed to request that, if there is no objcction, 50 more copies of Mr. Clow's letter No. L. 3013, dated the 12th April, 1933, on the subject noted above, may be supplied to this Government, for transmission to local officers whose views are to be obtained in the matter.

No. 173.

No. 14193, dated Lahore, the 16th May, 1933, from F. H. Puckle, Esq., C. I. E., I. C. S., Secretary to Government Punjab, Finance Department, to the Registrar of the High Court of Judicature at Lahore.

Subject :—Arrest and Imprisonment for Debt.

I am directed to forward a copy of a letter No. L. 3013 dated the 12th April, 1933, from the Government of India, Department of Industries and Labour, on the subject noted above and torequest that the Governor

in Council may be favoured with an expression of the views of the Hon'ble Judges on the proposed measure.

2. I am also to request that, with the permission of the Hon'ble Judges the views of the eminent District Judges, and the High Court Bar Association may also be elicited and forwarded to Government together with your own comments thereon.

3. I am to request that a reply to this reference may be sent not later than the 31st October, 1933.

No. 174.

No. 14194-I & L., dated Lahore, the 16th May 1933 from F. H. Puckle, Esquire C. I. E., I. C. S., Secretary to Government Punjab, Finance Department, to the Director of Industries, Punjab.

Subject :—Arrest and Imprisonment for Debt.

I am directed to forward a copy of a letter No. L. 3013 dated the 12th April, 1933 from the Government of India, Department of Industries and Labour, and to request you to favour Government with an expression of your views and the views of those specially interested in the matter including the undermentioned officials, individuals and associations. It is requested that your reply may be sent not later than the 31st October, 1933 :—

(1) Inspector of Factories, Punjab,
(2) Representative Organisation of employers and workers,
(3) Leading Chambers of Commerce,

(4) Leading colliery proprietors,

(5) Attock Oil Company, at Khaur, and

(6) Punjab Portland Cement, Limited, Wah.

(2) I am to add that the High Court and the Deputy Commissioners are being addressed separately. The latter are also being asked to sound local opinion.

No. 175.

No. L. 3013, dated Simla, the 17th May, 1933, from T. C. S. Jayaratnan, Esq., I. C. S., Deputy Secretary to the Government of India, Department of Industries and Labour to the Secretary to Government Punjab, Finance Department Simla E.

Subject : Arrest and Imprisonment for Debt.

With reference to your letter No. 14020-Ind. and Labour dated the 13th May, 1933, I am directed to enclose 50 additional copies of this Departments, circular letter No. 3013 dated the 12th April, 1933, on the subject noted above.

No. 176.

No. 15275-I. & L. dated Lahore, the 25th May, 1933, from F. H. Puckle, Esq., C.I.E. I.C.S., Secretary to Govment Punjab, Finance Department, to All Deputy Commissioners in the Punjab.

Subjcct : Arrest and Imprisonment for Debt.

I am directed by the Governor in Council to forward a copy of a letter No. L. 3013 dated the 12th April, 1933, from the Government of India, Department of Industries and Labour on the subject noted above, and to request you

to favour Government with an expression of your views after ascertaining local opinion.

2. It is requested that a reply to this reference may be sent not later than 31st October, 1933.

No. 7610-Genl/XVI-B-60, dated Lahore the 20th October, 1933.

From

F. M. Innes, Esq., I.C.S.,
Registrar, High Court of Judicature at Lahore.

To

The Secretary to Government, Punjab, Finance Dept.

Subject:—Arrest and imprisonment for debt.

In reply to your predecessor's letter No. 14193-I. & L., dated the 16th May, 1933, on the subject noted above, I am directed to forward a copy of an opinion recorded by the Hon'ble Mr. Justice Monroe and to say that the Honble the Chief Justice and the Hon'ble Messrs Justice Tek Chand, Jai Lall, Dalip Singh, Agha Haider, Abdul Qadir, Bhide, Currie and Abdul Rashid concur with this opinion. I am also to forward copy of a note recorded by the Hon'ble Mr. Justice Coldstream, with which the Hon'be Mr. Justice Addison agrees.

2. The opinions of selected District Judges and the High Court Bar Association are also forwarded in original.

Both sides to the controversy are probably agreed that arrest for debt is undesirable, if it can be avoided

and I write my opinion on this basis. Yet my short experience of the execution of decrees in India makes me realise that the question must be treated rather on particular principles applicable to India than on general grounds, and that any weakening of the process of recovery of decree-holders may produce very grave results. I think that there are difficulties which require consideration, *e.g.*, there should be no arrest for debt withont previous notice to the debtor and allowing him to be heard. The strongest argument for the abolition of arrest for debt (as stated in the letter of 12th April 1933) is that so long as arrest is a recognised method of execution there is in effect a pledge of the debtor's person. I agree that the law should not tolerate such a pledge, whether direct or indirect, in any form, but in all cases when this abuse is likely to come into operation, the situation would be settlement by a modification of the general law relating to loans and money-lenders. Minors and persons of unsound mind are protected by the law against the consequences of their folly, and the persons who require consideration in connection with the present question are in much the same position. One of the greatest evils in the Punjab is the lending of money to persons who have no real prospect of repaying the loan and interest without crippling or indeed ruining themselves financially. If this general evil is dealt with on proper lines, the question of arrest for debt will solve itself.

Sd. J. H. MONROE,

31-8-33. Judge.

P. S.—The conditions laid down in Order 21 rule 40 seems to me to be fair and proper.

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1. I am not in favour of class legislation in the matter of liability to imprisonment for debt and unable to see why a workman should be placed in a more favourable position than an agriculturist whose land barely supports him and family.

2. It would be unwise for obvious reason to deprive the Indian Courts of their power to imprison in execution of decrees. I note that in 1932 the number of debtors imprisoned was 3936 or 37 per cent. more than in 1929, resulting in the recovery of Rs. 5,74,206 which was 26 per cent. more than the recovery thus effected in 1929. The law as set forth in the Code of Civil Procedure would meet the requirement of country on the assumption that it were administered honestly according to justice, equity and good conscience. It cannot, however, be denied that the provisions regulating the power can be and are sometimes abused. Debtors unable to pay from "poverty or other sufficient cause" are sent to prison and the threat of imprisonment is used to extort money from persons connected with the debtor against whom the decree-holder has no claim. The High Courts have power to put matters right by rules under the Procedure Code but no such rules have been proposed. I think that the Code should be amended—

(1) so as to prevent arrest (except when it is proved to the satisfaction of the Court that the debtor is about to leave the jurisdiction of the Court) until the debtor has had an opportunity of being heard and proving

inability to pay from poverty or other sufficient cause and

(2) so as to compel the Court to disallow imprisonment (*a*) where such inability is apparent and contumacy is not proved, and (*b*) where there is property which can be attached and is not being secreted.

(3) so as to allow the Court some discretion (within limits) is fixing periods of imprisonment (See section 58 (I) Criminal Procedure Code).

Sd. J. COLDSTREAM,
Dated 13-10-1933. Judge.

No. 800 dated Lahore the 24th July 1933.

From

Rai Bahadur L. Rangi Lal, Distt. & Sessions Judge,
Montgomery, at Lahore.

To

The Registrar, High Court of Judicature,
at Lahore.

With reference to your endorsement No. 3805-General/XIV.B-60, dated the 30th May, 1933, calling for an expression of my opinion on the question of arrest and imprisonment for debt, I have the honour to say that my experience leads me to the conclusion that the present law on the subject seems to require no change. It is rarely that an honest judgment-debtor is sent to prison. In the first place, a decree-holder is not likely to waste his money in feeding in prison a judgment-debtor who cannot really pay his debt. Secondly, an honest debtor can secure his liberty either by showing that he is too poor to pay or by going to the Insolvency Court. It is

true that in some cases relatives and friends of the judgment-debtor come forward to help when they find him in prison, but this does not, in my opinion, involve a hardship which would justify the abolition of arrest and imprisonment for debt altogether. The contraction of credit which would result from this abolition would, in my opinion, mean a much greater hardship to a very large class of people. In the case of a member of a joint Hindu family the little to property is very obscure. A member of an agricultural tribe in this Province has practically no security to offer. By far the largest portion of the population owns no property and they are the people who are mostly in need of raising loans at short notice for urgent necessities. They would, in my opinion, deeply resent the curtailment of their powers of borrowing. So far as I have been able to aseertain from private enquiries there is no demand on the part of the debtor class for any change in the existing law.

No. 123406, dated the 31st July, 1933.

From

Khan Bahadur Sheikh Din Muhammad, M.A.,
District and Sessions Judge, Jhelum.

To

The Registrar, High Court of Judicature,
at Lahore.

With reference to your office endorsement No. 3805-Genl.-XVI-B-60,, dated the 30th of May 1933, forwarding to me a copy of letter No. L.-3013, dated the 12th April 1933 from the Government of India Department of Industries and Labour, on the subject of arrest and

imprisonment for debt, I have the honour to submit my views as follows :—

The arguments for and against imprisonment of debtors as a means for satisfaction of decrees are so ably and luminously summed up in the letter and its annexures mentioned above that it would be idle on my part to support my views with any arguments. I am not in favour of the total abolition of arrest and imprisonment of judgement-debtors, as it would lead to the contraction of credit not only of workmen and tillers of soil but also of the trading class and thus hamper trade. The general standard of business morality is yet not sufficiently high to dispense with the provisions for arrest and imprisonment. At the same time I am in favour of making the issue of a notice to the judgment-debtor obligatory before a warrant for his arrest is issued, except in special cases where the issuing of a notice would defeat its object, for instance, in cases where the judgment-debtor is likely to leave the jurisdiction of the Court to evade the satisfaction of the decree which has been passed against him. On the appearance of the judgment-debtor the Courts should decline to imprison a debtor, if he is found genuinely unable to pay, except by surrendering his bare necessaries of life or of such property as the law has exempted from attachment or sale in execution of a money decree. The onus of proving his liability to pay should in the first instance lie on the debtor. In most cases of legitimate inability it should not be difficult for a debtor to convince a Court that he had no means or resources for satisfying a decree forthwith. If the debtor has got property which

can be easily seized and which is not being secreted by him the remedy of imprisonment should be generally refused in the first instance. If satisfaction of the decree is being delayed by any vexatious tactics, the Courts should not be reluctant to resort to imprison a debtor as a means of compelling payment. Special protection may in my opinion be granted to certain classes of debtors like workmen and peasants with small holdings. In their case imprisonment should be as a rule refused unless their contumacy is clearly established. The contraction of the credit of this class will not be eventually harmful and may in fact supply a solution for the problem of the indebtedness of the cultivators of land and labourers. With trading classes it is different. A trader, who is really unable to pay and is arrested, can easily seek the intervention of an insolvency Court but not so a workman or a peasant proprietor.

Opionion of Rai Sahib Bhagat Jagan Nath, M. A., LL. B., Distt. Judge, Karnal Division, dated 1st August 1933.

Subject :—Arrest and imprisonment for debt.

There is a fairly elaborate discussion of the pros and cons in the letter of the Government of India and its annexures. I, however, submit that the issues as put on page 3 of the letter is not happily worded : it is somewhat misleading. It suggests as if there are some classes of debts "which cannot be recovered except by the arrest or imprisonment of the debtors." In my view, the assumption is

not correct. On page 4 in paragraph 10, the letter sums up the question thus :—

> " Whether arrcst and imprisonment fcr debt where no contumacy is proved should be abolished either generally or for particular classes of persons " ?

I consider that the present law already provides adequate immunity from imprisonment for debtors, who are honestly unable to pay. I mean the provisions that exist in that behalf in the Civil Procedure Code. There are, besides the same, the Insolvency Act, which is very frequently resorted to and is even abused by debtors, and the Usurious Loans Act, which are of a general applicaion. As has been frankly recognisod in the letter, under reference, there are already numerous difficulties in the way of a decree-holder to realize his money. In the Punjab especially, there are further impediments in the way of the creditors. I mean the Alienation of Land Act and the Regulation of Accounts Act. Of late, there have been several cases of murders of money lenders at the hands of debtors.

Money-lenders in the Punjab are already discouraged and not a few are gradually giving up the business. This might be a source of gratification to some people, but in my view, the indigenous institution of a village money-lender serves a very useful purpose in rural economy. Banks generally don't lend except on security of property. I think by doing away with the provisions regarding arrest and imprisonment of debtors, the poor and small peasant would be the greater sufferer in the long run. Even the

Co-operative Societies resort to the procedure for arrest and imprisonment. It has not been indicated on what other source would poor people in need of money draw. The contemplated change, I am afraid, would lead to further unemployment. It will place a premium on fraud and contumacy, and a discount on honest borrowing.

The anxiety of the Government to proteet workmen is laudable. Every right minded person would sympathise with poor workmen. But the existing provisions, debarring the imprisonment of persons, who are really poor and cannot pay their debts, are to, to my mind, enough to protect them. We, who are in charge of the working of the Court very seldom find workmen being sent to prison in execution of decrees. I also do not agree with the observation made at the end of page 3 of the letter that "the remedy offered by the Insolvency Court is probably much less effective in the case of workmen than in the case of those who are less ignorant and more able to defray the necessary costs." The only cost, that a would-be insolvent has to bear, is a preliminary deposit of between Rs. 20 and Rs. 50. In the case of poor debtors, they are generally asked to depcsit Rs. 20 only. They have to furnish some small security, according to the amount of debts due, for continued appearance. Only personal security is taken for the purpose. The only other cost, that they have to bear is a small amount of process-fee, which they have to pay for serving the creditors, the number of which is generally not large in the case of poor workmen. Such an applicant for insolvency generally brings with him two

ordinary witnesses, and as the creditors do not generally contest such cases, adjudication easily follows. In this division, I find a large number of applications for adjudication being made by workmen like khatis or carpenters. This is, however, not an industrial division, and the applications are by ordinary workmen or labourers, including potters (Kumhars), who work as donkey drivers and porters.

The observation in annexure I, page 5, paragraph 28, that "the debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation," is again to my mind, somewhat misleading, and presents a coloured picture of the actual situation. It is also not my experience, as observed towards the end of the aforesaid paragraph, "that in the great majority of cases, exemption from arrest is purchased.....relations or friends." As a rule, judgment creditors are reasonable. They not only want to realize their decree money, but they have to keep up their reputation, unless they have decided to give up the business of money lending. If they are too harsh, borrowers would not generally deal with them. In many cases, reasonable instalments are allowed by Courts, while decreeing money claims. It is only as a last resort and in the case of debtors, who can but would not pay, that a judgement creditor would ask for his imprisonment. I may draw attention to the fact that the dccree-holder has to bear expenses of the iudgment-debtor during the period of his detention in the civil prison.

Statistics show that as compared to the number of

money decrees and to the number of execution applications, cases, in which judgment debtors are actually imprisoned, are very few. There are two districts in my division, namely, Karnal and Rohtak. In the year 1932, 6842 execution applications were decided, in Karnal district. The corresponding figure for Rohtak district is 9410. Owing to paucity of time, I have not been able to find out how many out of these were money decree; but undoubtedly a very large majority of the same were money decrees. In the Karnal District, in the year 1932, 277 persons were arrested, and only 81 sent to civil prison. The corresponding figures for Rohtak for the same year are 323 and 109.

For the aforesaid reasons, I am against the general abolition of the provisions of law for arrest and imprisonment of judgment-debtors. I would, however, take this opportunity to suggest that the periods of six weeks and six months provided in Section 58 of the Civil Procedure Code, should be made flexible. As in criminal law, only maximum terms should be provided. At present, the said periods of six weeks and six months cannot be altered by a civil court. Moreover at present even in the case of a decree of Rs. 50 or less, one can be sent to prison for six weeks. It might well be provided that no debtor could be imprisoned for a decree, which is, say, below Rs. 100. This would also afford further protection to workmen and other poor debtors. In short a suitable amendment of Section 58 of the Civil Procedure Code would go far to meet the object in view.

It may be mentioned that this division, more than in any other, there are thousands of money decrees per

year, based on private awards, which are passed on applications under paragraph 20 of Schedule II of the Civil Procedure Code. Nearly in every such case, the debtor agrees to the award and the deeree, and almost invariably he is allowed very small instalments say of even about Rs. 4 or Rs. 5 per mensem to pay his debt.

Letter dated Lahore, the 13th October 1938.

From

Anant Ram Khosla, Esq., Honorary Secretary,
High Court Bar Association, Lahore.

To

The Registrar, High Court of Judicature at Lahore.

In reply to your endorsement No. 3305-Genl/XVI-B-60 dated 30th May, 1933, on letter No. 14193 (I & L) dated 16th May 1933, I have the honour to give below the opinion of the High Court Bar Association in the matter mentioned therein :—

Even under the present law it is very difficult for a decree-holder to realise the fruits of the decree, as the judgment debtor has quite a number of loop-holes available to him to escape payment of the decree against him. In daily practice; the average judgment debtor is always averse to pay up, unless pressure is put upon him and the only pressure which is effective is the "notice of arrest" or "actual arrest" of the judgment debtor which makes him to pay up. This fact is clear from the contrast between the large number of persons arrested and the small proportion actually imprisoned, *vide* paragraph 6 bottom of the letter.

The actual realization by decree-holder is a very percentage and the statistics of courts will show that no satisfaction to decree holders is had for 12 years and many decrees remain unsatisfied. The conditions of this Province are peculiar. There is a large class of privileged people whose property is wholly unavailable for payment of their debts with the result that the only remedy which a decree-holder can use is the arrest and if this is taken away the credit facilities would be withdrawn from them and the debtor class as a whole will suffer in the long run.

As has also been remarked by the Civil Justice Committee that imprisonment is also a rule "resorted to only if it is likely to prove efficacious, and that in cases" it is far more effective than any other remedy would be.

Thus the right of getting the Judgment debtor arrested is a very essential and an important right available to the decree-holder, to enforce his legal rights and the removal of this provision from the Civil Procedure Code will do a great deal of harm to the commercial life of the country specially of this Province.

No. 162-D-119 dated Lyallpur, the 24th July, 1933.

From

A. A. Macdonald, Esq., I.C.S., Deputy Commissioner, Lyallpur.

To

The Secretary to Government, Punjab, Finance Department.

With reference to your letter No. 15275-I & L of 25th May, 1933, I have the honour to state that I have consulted local opinion on the matter under reference and that opinion is unanimous in considering that no change should be made in the present law of arrest and imprisonment for debt. Conditions in the country are not yet in favour of any such change being made and creditors are badly enough handicapped in realizing their debts without their position being made worse. The provisions of order 21, rules 37 to 40 of the Civil Procedure Code are comprehensive enough to cover cases of both contumacious and non-contumacious faults. As far as the Punjab is concerned the Land Alienation Act gives agriculturists very complete protection and if the person of an agriculturist judgment debtor were to be exempted from arrest and imprisonment, the decrees of the civil courts in the Punjab against such persons would merely exist on paper. My own opinion is, therefore, in complete agreement with the local opinion which I have consulted, in considering that no case has been made out for a change in the present law and exempting the person of a judgment debtor from arrest.

Endorsement by the Deputy Commissioner, Lyallpur, No. 485-D-119.

Copy forwarded to the Commissioner, Multan Division for information.

No. B 2-4-2820-7344, dated 10th October 1933.

From

A. MacFarquhar, Esq., I.C.S., Deputy Commissioner, Amritsar.

To

The Secretary to Government Punjab, Finance Department.

Subject.—Arrest and Imprisonment for debt.

With reference to your letter No. 15275-L & L., dated 25th May, 1933, on the matter noted as subject, I have the honour to enclose copies of opinions received from the persons noted in the margin. Other persons consulted have not replied.

Lala Ramji Das, M.L.A.,
Lala Labh Chand, M.L.C.,
The Bar Association Amritsar,
The District & Sessions Judge, Amritsar.
The Municipal Committee, Amritsar.

2. It will appear from these opinions that the retention of the existing provisions of law is strongly supported. Lala Ramji Das M. L. C., however, would remove the threat of imprisonment to debtors as he considers that it excites them to crimes against their creditors or involves their relatives or friends in payments to the creditor from sources which should not be open to him. The main arguments on the other side appear to be as follows.

Creditors send their debtors to the jail only in cases where they know that the debtor can pay but is unwilling to do so. They do not have him imprisoned from malice as it affects their business adversely and involves them in the payment of subsistence allowance which they are unlikely to incur if a return is improbable. Another point in support of the present law is that imprisonment rarely follows arrest which indicates that creditors choose only suitable cases for such coercive action. It is also open to the debtor, if he is genuinely unable to pay to declare such inability and escape imprisonment. Debtors are sufficiently protected not only by the loop holes in the law but by special laws among which one gentleman cites the Punjab Alienation of Land Act 1900, and the Punjab Regulation of Accounts Act, 1930. Finally it is argued that the disgrace of arrest is a strong coercive weapon which should not be withheld from creditors.

3. With regard to my own opinion, I do not in the course of my duties come into contact with the actual administration of the civil law against debtors. I am, however, impressed by the fact that the creditor is essentially a man of business whose object is the recovery of his money and not primarily the imprisonment of his debtor which merely involves him in further expenditure. It is also to be remembered that the debtor can escape even imprisonment if he proves disability either financial or physical, as he may intimate that he intends to apply to be declared an insolvent and may not be detained if his state of health makes him unfit for such detention. It might be worth while to invite the attention of all courts to sub-section (3) of section 55 of the Code of Civil Procedure,

1908, which makes it incumbent on the court to inform a a debtor that he may apply to be declared an insolvent. There would then be no ground for alleging that ignorance of the law led to imprisonment. I would therefore agree with the District Judge that the law, as it stands, provides sufficient safeguards for an honost debtor if it is properly administered. Subject to this proviso I would favour no change.

No: 6615, dated 28th October, 1933.

From :—Amin-ud Din, Esq. I. C. S. Deputy Commissioner, Jullundur.

To

The Secretary to Government, Punjab Finance Department.

Subject: Arrest and Imprisonment for debt.

I have the honour to refer you to your letter No: 15275-I and L dated the 25th of May, 1933, on the subject noted. The Local Bar Association, the Secretary of the Central Co-operative Bank, and several influential Zamindars and Sahukars of this District were consulted and I discussed the subject personally with several gentlemen. The consensus of opinion amongst the lawyers and those connected with money-lending and banking appears to be against the proposed change in the existing law for the arrest and imprisonment of judgment debtors; they are unanimously of opinion that the abolition of arrest and imprisonment for debt is likely to be misused in this

country. On the other hand the Zamindars and landed gentry would welcome the proposed modification in law. This sharp difference in opinion was what one could expect because the former class consists of those who habitually invest money and the latter who borrow it.

2. It is a matter of general knowledge that arrest is resorted to by the decree-holder with the object of bringing pressure on the relations of the judgment debtor and for compelling payment by those connected with the judgment debtor. In other cases where the only bread winner of the family is threatened with arrest and imprisonment for debt, the money lender is able to obtain a fresh bond from him with higher and more extortionate interest. The abolition of arrest and imprisonment for debt, in my opinion, will be a step in the right direction and will decidedly have a deterrent effect on easy borrowing. In my opinion the existing law should be changed so that imprisonment for debt where no contumacy is proved should be abolished. It will be then for the decree holder to prove that the judgment debtor is able to pay and is evading payment.

3. I enclose copies of the opinions received from the Bar Association and gentlemen noted in the margin.

1. President Bar Association, Jullundur.
2. Public Prosecutor, Jullundur.
3. Khan Bahadur Chaudri Niamat Uullah Khan, Honorary Magistrate and President Cooperative Union, Madar.
4. Rai Sahib Lal Tara Chand Sood Honoarary Magistrate, Jullundur.

5. Sardar Narinder Singh Jagirdar of village Shanker.

6. Khan Sahib Khan Shah Zaman Khan, Honorary Magistrate, Jullundur.

No : 208-L dated Campbellpur, the 30th October, 1933.

From

A. C. MacNabb, Esq., I.C.S. Deputy Commissioner, Campbellpur.

To

The Secretary to Government Punjab, Finance Department.

Subject :—Arrest and imprisonment for debt.

In reply to your letter No : 15275-I and L. dated 25th May, 1933, I have the honour to inform you that various officials and non officials in this district have been consulted.

2. The general opinion in this district appears to be that imprisonment for debt otherwise than in cases of contumacy should be abolished.

3. It must be admitted that those whose opinion was sought belonged rather to the borrowing than to the money lending classes, who would naturally be opposed to the abolition of any of the provisions in the existing law which facilitated the recovery of their dues.

4. On the other hand, there is much to be urged in favour of the argument that if debt cannot be recovered by imprisonment it would be better not to recover them at all and thereby to restrict facilities for credit at present provided to those who have no business to borrow.

5. No doubt in many cases when a man who cannot pay is imprisoned, the debt is paid up for him by some person who is not directly interested in the repayment of the debt except to the extent to which the honour of his family is concerned in the imprisonment of one of their members. This no doubt is an excellent thing for the creditor, but the objection mentioned above may with good reason be brought forward that such persons should not be given facilities for credit when they are unable to pay themselves and must rely upon the charity of some relative to make restitution for him once they are sent to civil prison.

6. My own opinion is that the time has now come to abolish imprisonment for debt otherwise than in cases of contumacy. It will no doubt be difficult to define exactly what constitutes contumacy, but presumably this will be done by transferring the burden of proof with regard to contumacy from the judgment debtor to the decree holder. The fact that in Great Britain the abolition of arrest for debt did not paralyse either trade or commerce is a powerful agrument in favour of taking similar steps in this country.

B. Draft a letter from the Home Secretary to Government Punjab to the Secretary to the Government of India, Department of Industries and Labour explaining clearly and concisely the views of the authorities consulted and adding that in the opinion of the Governor in Council the principle should be accepted that a warrant for imprisonment should not be issued unless the court is satisfied that the debtor has the means of paying the whole or

part of the judgment debt and is contumaciously avoiding payment.

Another Commontary on mistakes committed generally by the candidates in answering papers on "Precis and Draft"

1. (*a*) The preparation of a good "precis" requires that the whole material should be read carefully and appreciated. A perusal of some of the papers would show that some candidates have drafted as they have read, thereby incorporating much that subsequent letters would have shown to be irrelevant. This procedure also makes logical arrangement impossible. The candidates have not even this time resisted the temptation of copying out in extenso without any attempt at summarisation, thereby unnecessarily increasing the bulk of the preamble.

Lack of proper sequence and lack of proportion are common errors. It is necessary to impress upon the candidates the desirability of developing in them a sense of discrimination to help them in sifting out at a glance relevant material from irrelevant one.

(*b*) It was remarked in the previous commentary that full one hour should be spent in drafting and revising as it carried 50 marks. In one or two cases the candidates have devoted all the time to the "Precis" and consequently have not attempted the draft.

(*c*) The sequence of tenses has not been observed even in the answer papers examined. This shows lack of knowledge of the simple rules of grammar. It may be pointed out in this connection that "Precis" is usually in the past tense and "draft" in the present tense.

(*d*) Instances are not wanting to show that misstatements have been made in the "Precis" and these did not conform to the facts given in the original letters.

Some portions should have appeared last of all viz., after the opinions of others consulted had been embodied in the draft but these were given in the beginning. This is like yoking the cart before the horse. In one or two more cases this statement has appeared in the draft twice viz., once in the beginning and again in the end.

2. (*a*) "I am *direct* to forward herewith for your information the copies of the letter received from the officers who were consulted by the Punjab Government in the matter inviting their opinion." This is a very bad construction.

(*b*) All these views have been carefully considered by the Governor in Council and *they* are of the view.....'

3. The candidates have not gone through their paper carefully as would appear from the following illustration :—

(*i*) "So as to compel *the compel* the court to disallow".

(*ii*) "commercial life this province."

(*iii*) "Are not in favour abolishing the existing system." These errors go to reduce the value of the paper and should be guarded against.

4. A few examples of mis-statements may be mentioned :—

(*i*) "Two Judges *favoured* the class legislation." in spite of the fact that two honourable judges were opposed to a differential treatment as between one class and another and the others favoured amendment of the law.

(*ii*) The opinion of the Governor in Council which is to be embodied in the draft is clearly set forth in the question paper, whereas some eandidates have unnecessarily shown in the draft the opinion of subordinate authority as if it was Governor's own opinion.

(*iii*) One candidate has stated "Hon'ble Justice Din Mohd" while in the question paper he has been shown as District and Sessions Judge, Jhelum. The same mistake has been repeated in the draft.

Model Precis

In their letter No. L. 3013 dated 12-4-33 the Government of India, Department of Industries and Labour addressed all Local Government and Administrations on the subject of arrest and imprisonment of debt. The question on which they desired to secure advice was whether arrest and imprisonment for debt where no contumacy was proved should be abolished either generally or for particular classes of persons. After reviewing past history of the question the main arguments they gave in their letter for and against the proposal were as follows :—

(1) The imprisonment was "as a rule" resorted to only if it was likely to prove effective and that "in many cases" it was effective as no other substitute would be, the contrast been the large number of persons arrested and the small proportion actually imprisoned was sufficient evidence of this fact.

(2) The threat of imprisonment was merely in theory as in actual practice no creditor would resort to this method as it involved further expenditure from his pocket.

(3) Although High Courts had full power to amend

the rule in such a manner as to prevent the arrest of debtors who were honestly unable to pay, no High Court had taken this step, thus showing that the law did not require any change.

(4) The difficulties of a litigant in India began when he had obtained a decree. Fraud and the various loopholes open to debtors were used to deprive many honest creditors of their rights.

(5) In majority of cases the courts if they had held an enquiry into the circumstances of the debtor would have refused to imprison.

(6) Arrest and imprisonment not infrequently resulted in securing payment from some source on which the creditor was not entitled to draw.

(7) Supporters and opponents of imprisonment for debt would probably agree that its abolition would make borrowing in certain circumstances much more difficult.

(8) It was in the worker's interest to reduce his attractiveness as a field for investment.

(9) If any change was to be made it should be made generally and not in favour of particular classes but there were certain considerations specially applicable to poorer classes of debtors.

2. On receipt of the above reference the Punjab Government addressed the following authorities asking for an expression of their views after ascertaining local opinion :—

(1) Registrar High Court of Judicature at Lahore.

(2) Directors of Industries, Punjab.

(3) All Deputy Commissioners in the Punjab.

3. From the replies received it transpired that the consensus of opinion both official and non-official was

against the proposed change. The majority of the Hon'ble Judges of the High Court after consulting selected Sessions Judges and the High Court Bar Association intimated that while they recognized that arrest for debt was undesirable, if it could be avoided, they were of opinion that any weakening of the process of recovery of decrees might produce very grave results.

Two Hon'ble Judges while opposed to a differential treatment as between one class and the other favoured amendment of the law so as

(*i*) to prevent arrest (except when it was proved to the satisfaction of the court that the debtor was about to leave the jurisdiction of the court) until the debtor had had an opportunity of being heard and proving his inability to pay,

(*ii*) to compel courts to disallow imprisonment where inability was apparent and contumacy was not proved and also where property could be be attached and was not being secreted and

(*iii*) to allow the courts some discretion (within limits) in fixing periods of imprisonment. The Sessions Judges of Montogomery, Karnal and Jhelum were also opposed to the proposed change except that the Session Judge Jhelum wanted to make the issue of a notice to the Judgment debtor obligatory before issuing a warrant of arrest. The District and Sessions Judge Karnal suggested an amendment under which no debtor could be imprisoned for a decree below Rs. 200 thus affording protection to the poorer debtors.

4. All the Deputy Commissioners except the Deputy Commissioner Campbellpur and Jullundur were against

any change in the existing law. The Deputy Commissioner, Lyallpur and Amritsar considered that the Land Alienation Act and the Insolvency law were adequate safeguards but the Deputy Commissioners Campbellpur and Jullundur were of opinion that abolition of arrest and imprisonment for debt, where no contumacy was proved, would be a step in the right direction and would decidedly have a deterrent effect on easy borrowing. It would be for the decree holder to prove that the debtor was able to pay and was evading payment. Even in their districts the money lending classes were opposed to the change while quite naturally the Zemindars and landed gentry would favour it.

The Deputy Commissioner, Campbellpur further observed that the fact that in Great Britain the abolition of arrest for debt did not paralyse either trade or commerce was a powerful argument in favour of taking similar steps in this country.

The Honorary Secretary, High Court Bar Association strongly protested that even under the existing law it was very difficult for a decree holder to satisfy his decree in view of a number of loopholes available to the Judgment debtor to escape payment. If 'arrest' which was the only weapon in the hands of a decree holder was snatched away from him, it would naturally withdraw credit facilities and ultimately the debtor class as a whole would suffer.

Model draft

No.....

From

The Home Secretary to Government, Punjab.

To

The Secretary to the Government, of India, Department of Industries and Labour.

Dated.....

Subject :—Arrest and imprisonment for debt.

Sir,

I am directed to reply to your letter No. L. 3013 dated 12th April, 1933 on the subject noted above.

2. The precise question on which the Government of India desire to secure advice is whether arrest and imprisonment for debt where no contumacy is proved should be abolished either generally or for particular classes of persons. A large number of officers and associates representative of different interests have been consulted by the Governor in Council and their opinions are summarised below :—

The consensus of opinions both official and non-official is against the proposed change.

The majority of the Hon'ble Judges of the High Court while recognising that arrest for debt is undesirable, if it can be avoided, are of the opinion that any weakening of the process of recovery of decrees might produce very grave results. Two Hon'ble Judges while opposed to a differential treatment as between one class and the other favoured amendment of the law

so as to

(*i*) To prevent arrest (except when it was proved to the satisfaction of the court that the debtor was about to leave the jurisdiction of the court) until the Debtor had had an opportunity of being heard and proving his inability to pay,

(*ii*) To compel courts to disallow imprisonment where inability was apparent and contumacy was not proved and also where property could be attached and was not being secreted,

(*iii*) To allow the court some discretion (within limits) in fixing periods of imprisonment.

4. The Session Judges are also opposed to the proposed change. One of them, however, wants to make the issue of a notice to the Judgment debtor obligatory before issuing a warrant of arrest while another has suggested an amendment under which no debtor could be imprisoned for a decree below Rs. 100/- thus affording protection to the poorer debtors.

5. The Honorary Secretary, High Court Bar Association strongly protests against the proposed change on the grounds that even under the existing law it is very difficult for a decree holder to satisfy his decree. In view of a number of loopholes available to the Judgment debtor to escape payment and if 'arrest' which was the weapon in the hands of a decrce holder was snached away from him, it would naturally withdraw credit facilities and ultimately the debtor class as a whole would suffer.

6. The Deputy Commissioners except those of two Districts do not favour any change in the existing law

as the Land Alienation Act and the Insolvency law were adequate safequards while the two dissenting Deputy Commissioners advocate the change as in their opinion it would have a deterrent effect on easy borrowing. They propose that it would be for the decree holder to prove that the debtor was able to pay and was evading payment. Even in their Districts the money lending classes are opposed to the change while quite naturally the Zemindars and landed gentry would welcome it.

7. The Governor in Council has carefully considered the question and is of opinion that the principle should be accepted that a warrant for imprisonment should not be issued unless the court is satisfied that the Debtor has the means of paying the whole or part of the judgment debt and is contumaciously avoiding payment.

I have etc.,
Home Secretary.

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7. Model Drafts etc. to Exercise 33 of 'Practical Guide to Precis-writing."

LOCAL SELF-GOVERNMENT DEPARTMENT.
LOCAL SELF-GOVERNMENT.

File No. D. III R-6 of 1934.

Notification.

No..... Dated.....the.....1934.

In exercise of the powers conferred by clause (5) of Section 138 of the Bihar and Orissa Local Self Government Act of 1885, the Governor (of Bihar and Orissa) is pleased to direct that the following amendment shall be made to

Rule 89 of the General Rules, namely :—

Proviso to Rule 89.....

" Provided that it shall not be necessary for a District board to communicate with the Superintendent and Remembrancer of Legal Affairs if the value of the suit which the board intends to institute or which has been brought or threatened to be brought against the board is below Rs. 500."

Sd.....

Secretary to the Local Self Govt. Department.

Draft Notification.

Government of Bihar and Orissa.

Local Self Government Department.

Dated, the 17th March 1939.

No. **13481**———In exercise of the powers conferred on the Government by clause (5) of section 138 of the Bihar and Orissa Local Self Government Act of 1885, the Governor of the Bihar and Orissa, proposes to make the following amendment in Rule 89 of the general rules prescribing the procedure to be followed by District Boards in respect of litigation.

Amendment.

The following proviso shall be added to Rule 89 of the General Rules prescribing the procedure....., namely :—

" Provided that it shall not be necessary for a District Board to communicate with the Superintendent and Remembrancer of Legal Affairs if the value of the suit which the board intends to institute or which has been brought or threatened to be brought against the board is below Rs. 500."

2. Any District Magistrate or Distt. Board having objection to the proposed amendment should communicate the same to the Commissioner of the Division before 16th April next.

By Order.
Sd.....
Local Self Govt. Deptt.

Alternative Form.

Whereas it has been brought to the notice of Government that difficulty is experienced by the Distt. Board in complying with the requirement of Rule 89.....it is hereby proposed to amend the aforesaid rule, and the following amendment is published for general information.

Final Amendment.

Govt. of Bihar and Orissa.
Local Self Govt. Deptt.
Dated, the 17th March 1939.

No. 13481.....In exercise of the Powers conferred .....the Government of Bihar and Orissa, is pleased to direct that the following amendment shall be made in Rule 89 of the.....
.....

Amendment.

Add the following at the end of Rules 89 of the.....
" Provided that.....
.....Rs. 500."

By Order.
Secretary Local Self Government Deptt.

Draft

No : 708-712. L. S. G. R.

From

W. G. Lacey Esquire,
Secretary to the Govt. of Bihar and Orissa
Local Self Govt. Deptt.

To

The Commissioners Patna / Tirhut / Bhagalpur / Orissa / Chhota Nagpur Division.

Dated, Ranchi, the 11th May 1934.

Subject :—Amendment of Rule 89 of the general rules prescribing the procedure to be followed by District Boards in respect of litigation.

Sir,

I am directed to state that it has been brought to the notice of Government that some inconvenience is experienced by the District Boards in complying with the requirements of the existing Rule 89 of the general rules prescribing the procedure to be followed by Distt. Board in respect of litigation, and in one particular case the procedure laid down has not been actually followed. The Government have, therefore, decided to amend the aforesaid rule so as to dispense with any consultation with the Legal Remembrancer in cases in which the value of the suit involved is Rs. 500 or less. A draft notification embodying the above amendment is being sent for publication in the Government Gazette, and I am to enclose herewith a copy thereof for your information.

2. I am to request that any criticism that may be received by you from the District Magistrates and District

Board under your control may be forwarded to Government together with your own opinion on the proposed amendment.

I have the honour to be
Sir,
Your most obedient servant.

1. *Encl*: Draft Notification.
(as per at page).

Summary.

The Commissioner, Tirhut Division pointed out that under Rule 89 of the general Rules, a reference to the Legal Remembrancer in all cases, was mandatory. He recommended that as a tentative measure no cases not exceeding Rs. 100 should be referred to him.

The District Board, Muzaffarpur, asked for deviation from Rule 89 so far as minor cases were concerned. It pointed out difficulties that when the cases were brought against the board the latter had time to consult the Legal Remembrancer, the limit of Rs. 500 should be raised to Rs. 5000 in view of the availability of local lawyers where opinion could be easily and quickly had. This would save much of the time of the board.

The Chairman, District Board, Manubhurn, pointed out that in certain cases questions of intricate point of law or principle might involve which would warrant consultation with the Legal Remembrancer In that case the smaller issue might take the form of a bigger one. He therefore, recommended that it should be discretionary for the board to consult the Legal Remembrancer.

The Commissioner. Chhota Nagpur, however, disagreed with the District Board, Manbhum. In his opinion there

should not be any hard and fast rule. He proposed the following amendment :—

" Except cases involving substantial question of law and cases assuming an unforeseen importance."

The District Officer Champaran, agreed that a reference to the Legal Remembrancer in suits of less than Rs. 500 might be dispensed with but recommended consultation with the Government pleader prior to filing the suit, to be obligatory.

The Commissioner, Patna Division was of the opinion that the monetary limit of suits should be lowered down to Rs. 100.

The Commissioner, Orissa Division concurred in the draft notification and had no criticism to offer.

(*d*) (*i*) Government of Bihar and Orissa
Local Self Govt. Deptt.
Local Self Government.
File No. D. III R-6 of 1934.

Notification.

Dated the 17th March 1939.

No. 13481.....In exercise of the powers conferred on the Government by clause (5) of Section 138 of the Bihar and Orissa Local Self Government Act of 1885 the Governor of Bihar and Orissa, is pleased to direct that the following amendment shall be made to Rule 89 of the General Rules, namely.

Add the following proviso to Rule 89.....

" Provided that it....."

.....Rs. 500.

Sd.....

Secretary to the Local Self Govt. Department.

Memorandum.

Government of Bihar and Orissa
Local Self Government Department
Local Self Government.
No. 3795—99 L. S. G. R.

To

The Commissioner Patna / Tirhut / Bhagalpur / Orissa / Chhota Nagpur Division.

Amendment of Rule 89 regarding references to Legal Remembrancer to Government by District Boards in petty civil suits.

The Governor in Council is placed to amend Rule 89 as under.—

" Provided.....
.....Rs. 500."

The same may be communicated to District Boards within their jurisdiction.

By the order of His Excellency
the Governor of Bihar and Orissa

.....

Secretary to the
Local Self Government Department.

A copy of the undermentioned documents is forwarded for information and communication to the District Boards within their respective Division.

By Order

Encl : (*Copy of Amendment*)
at page————Final draft.

Model Draft to Exercise 34 of the "Practical Guide to Precis-Writing."

Home Department
Government of India,
No.

From

The Secretary to the Government of India,
Home Department.

To

All Local Governments and Administrations,
(except Punjab).

Dated, New Delhi the 30th May 1928.

Subject :— Amendment of Rules 1 (*a*) and 20 of the Government Servants' Conduct Rules.

Sir,

I am directed to refer to the correspondence emanating from a letter from the Government of Burma No. 398.E. 26 dated 6-12-26 on the above subject, a copy of which was supplied to all Local Governments and Administrations with the G. I., Home Department's letter No. F. 46/27 Public dated 16-12-1927. The Government of India appreciate the excellent manner in which the Government of the Punjab and the Deputy Commissioner and the Chief Engineer Delhi have pleaded the cause of Government servants who owe allegiance to some public body of which they are members and who are expected by that body to protect its interests when there are at variance with those of Government. The Government of India are prepared to accept the proposition that some latitude should be permitted in the matter in the case of such Government servants as otherwise the very object

of their being with the non-Government bodies will be vitiated in as much as such officials will be taking part in the discussions simply as supporters of Government. It has, therefore, been decided that it will not do Government any harm if a certain latitude of thought and expression is left to its officers which may enable the local bodies on which these officers may be functioning to feel that they are not listening to a mere mouthpiece.

2. The Government of India have also considered the desirability of indicating in the Government Servant's Conduct Rules, the limits within which such criticism should be permitted but their view is that it is impracticable to attempt to deprive them by rule. I am, therefore directed to communicate to the $\frac{\text{Government of Madras etc.}}{\text{you}}$ the purport of these principles for $\frac{\text{the guidance of the Government of Madras etc.}}{\text{your guidance}}$ The Government of India think that for all practical purposes it will be sufficient, if in any case where the operation came into question local Governments and the Government of India should be in possession of and act upon these principles.

3. The general principle should be that when a proposal of Government.....or other authority.

I have the honour to be,
Sir,
Your most obedient servant,
Secretary to the Government of India,
Home Department.

The Draft to the Punjab Government has been left as an exercise to the reader.

SUBORDINATE ACCOUNTS SERVICE EXAMINATION, NOVEMBER 1935.

PRECIS AND DRAFT.

(*Time allowed—3 hours. Precis 100, Draft 50, Total 150.*)

(A) Make a precis of the following Correspondence and Notes.

(B) Draft a letter from the Secretary, Government of B.....Local Government Department to the Commissioner S.....Division on the following lines :—

Refer to serious maladministration in the District Council since 1928—new Council of 1929 expected to effect reforms—hence no drastic action taken—Expectations not fulfilled—Local Fund Auditor's Report (July 1930)—accounts revealed deplorable state of affairs—Financial position very unsatisfactory and no effort at improvement.

Then refer briefly to dissensions, dislocations of work, etc., in the present Council (February 1932) as reported in the correspondence. An impossible position in which the

Audit Department, the Deputy Commissioner and Commissioner have all recommended supersession. Local Government agreeing with them order that the District Council shall be superseded for 3 years and its affairs managed by a Special Officer appointed by Government.

CORRESPONDENCE.

Serial No. 1.—**Telegram from the Vice-Chairman, District Council. Y....., to the Secretary to the Government of B....., Local Government Department, dated 17th January 1933.**

Mr. U.....has ceased to be the Chairman of Council. Vote of non-confidence has been passed by 14 members on the 16th January. Proceedings follow.

Serial No. 2.—**Demi-official letter from M.....Esq., I. C. S., Secretary to the Government of B....., Local Government Department, to C. Esq., I.C.S., Commissioner, S.....Division, No. U 33, Dated the 20th January** 1933.

To-day's R.....Gazette reports that Y.....District Council 'deposed' U.....the Chairman on the 16th. Would you please favour the Ministry with an account of the matter?

A copy of this letter is being sent to N.....with a request to send you all necessary particulars.

Serial No. 3.—**Endorsement by M.....Esq., I. C. S., Secretary to the Government of B.....Local**

Government Department, No.T32, dated the 20th January 1933.

Copy is forwarded to N.....Esq., I.C.S., Deputy Commissioner, Y.....for information and necessary action.

Serial No. 4.—**From C.....Esq., I. C. S., Commissioner, S.....Division, to the Secretary to the Government of B.....Local Government Department, No. 2D-14, dated the 30th January 1933.**

I have the honour to forward a letter from the Vice-Chairman of the Y.....District Council reporting that he and his party in the Council have declared that Mr. U..... shall no longer be their Chairman. I am on tour at P..... at present and have not got the files with me, but so far as I can remember the following is the sequence of events which has led up to the present situation. In April (the 25th. I think) the Council held a meeting to deal with the disposal of bazaar leases, and eventually referred the matter to a Sub-Committee. This Sub-Committee gave out the leases to tenderers whose offers were low and I had to interfere. A copy of my order was sent to you. There was considerable dissatisfaction with the Chairman's procedure at this time and letters were addressed to him by various members asking him to call a meeting to discuss unsettled questions. He took no action, and copies of some of the letters were sent to me. I went to Y..... in June and asked the members to meet me and discuss the position. I met them and after some explanation and discussion the majority seemed to be in a better frame of mind. There were a good few questions for decision, and

the Chairman was to call a meeting early to settle them. From that date, however, till August no meeting was called; and when the members were summoned, the Agenda was not circulated and the Chairman deliberately refused to have the Minutes of the last meeting read, as he was afraid of the discussion which might arise. The oppositions walked out in a body and represented the matter to me. I sent the papers up to your office with the recommendation that the Resolutions be annulled, and this was agreed to. An order was issued at the same time that a meeting should be held at an early date but of this order the Chairman took no notice. I visited Y.....again in the end of November and saw the Chairman, who promised to hold the meeting in a few days. As a matter of fact it was not held until the 9th January. It is possible that the elections and the Chairman's visits to R.....as an M.L.C. had somethiag to do with the delay, but even these are not a sufficient excuse. No business had been transacted since May, and it was the Chairman's duty to make time for a meeting no matter how busy he was.

Two meetings were held in January, one on the 9th and one on the 16th and I attach copies of the Minutes of each. In item 4 of the Minutes of the 9th reference is made to proposals put up by various members which the Chairman rules out as they were not on the Agenda paper. It is not clear what these proposals were but the Chairman has forwarded to me a number of requests from members for allotment of funds which he had received and had rejected as there was no budget provision. I imagine that item 4 refers to these. They were proposals for repairs of

roads and buildings, and it would appear that in most cases the repairs were necessary. A committee has power to reappropriate money for urgent works, and I do not think the Chairman should have refused discussion of these proposals. Others of the proposals dealt with applications for postponement of instalments of bazaar or slaughter-house revenue. These proposals had been supported by members of the Council, but the Chairman was within his rights in rejecting them. If, however, the Council desired to discuss the question he should have allowed the discussion.

At the meeting of the 16th there was first a discussion and then a postponement; and when the members came in again they brought with them the "no confidence" resolution of which a copy is attached. It was signed by 14 out of 21 members. Once again the Chairman refused to allow discussion. Eight of the members then walked out, but the Chairman went on with the meeting. Then on the 19th the Vice-Chairman and his party held a meeting which was attended by the Deputy Commissioner who warned him that he had no power to call meetings; they proceeded, however, and passed certain resolutions.

The two parties have now reached a deadlock; if the Chairman calls a meeting he will be able to get nothing done in face of the opposition; and the Vice-Chairman can do nothing so long as the Chairman maintains his present attitude. The blame for this deadlock, I think, lies mainly with the Chairman. At first he was in the right in bringing to my notice the scale of the bazaars to low tenderers; but since then his attitude has been impossible. He has delayed calling meetings and has put in

the agenda only such matters as he wanted discussed. His conduct at the meeting in August is typical. He has been carrying on the work of the Council as he pleased, and it is not to be wondered at that the members have struck. So long as he remains as Chairman nothing can be done.

On the other hand, I am not sure that the other party is to be trusted any more than the Chairman is. They were the people who engineered the swindle over the issue of the leases last April. Mr. D.....one of their leaders received "loans" amounting to Rs. 600 from one of the low tenderers within a fortnight of the day on which the contracts were to be given out. He signed on Demand Notes for this sum, and when the lease was cancelled by me the contractor sued him for repayment. If one considers the date of the issue of these "loans" the transaction was decidedly suspicious. There were a number of other rumours current against others of the party, and one of them even admitted to me that all of them had taken money in connection with the business.

In my opinion the whole Council is corrupt, and the best thing that Government could do would be to supersede. The Special Officer who was appointed last year to put things in order did his best, but since he left nothing has been done. The roads are in a terrible condition and I understand many of the buildings are as bad. The Council has done nothing to collect or clear up the arrears which were left by the Special Officer; and this year's revenue has been allowed to get into arrears also. Most of this, however, would be blamed on the Chairman and the Secretary, neither of whom are satisfactory; and it would not be easy to prove anything against the other

party in the Council except that they agreed to the sale of the leases at low prices. The bribery which has been alleged as a motive for that would not be provable.

If it is not considered advisible to supersede the Council as a whole, I think that Mr. U. .....should be removed from his position as Chairman. He has clearly abused his position and has disobeyed the rules in not calling meetings at the proper intervals. He had orders to call an immediate meeting after the annulment of the proceedings in September, and again he failed to obey. It seems to me that the Local Government would have the necessary power to remove him from his position under Section 61 (2), and if this is considered admissible it would probably be the best line to take.

Mr. U. ..... the present Chairman, wrote me on the 23rd January explaining the position, and I forward a copy of his letter. He forwarded certain applications from leases of bazaars for postponement of instalments but I have returned these for action by the Council office. He attached also accusations against members of the other party which I forward in original for persusal and return. There may be truth in some of these but they would be very difficult to prove. It will be noticed that, although Mr. U.....attaches a copy of the charges against himself, he says nothing in his defence.

I am seeing the Deputy Commissioner about this question on the 30th January, and will ask him what he thinks of the prospects; but my own opinion is that there are only two courses open to Government either to supersede the whole Council and put in an Official to run the

Couucil, or to remove the Chairman and give the rest of the Council a chance to see what they can do. I have little hope that the latter plan will lead to efficient management of the affairs of the Council, but it would get them out of the present deadlock; and if it was found that matters did not improve supersession could be taken up later.

Serial No. 5.—**From Mr. I.....Vice-Chairman, District Council Y.....to the Secretary to the Government of B.....Department of Education, [through (1) the Deputy Commissioner Y.....,(2) the Commissioner of the S.....Division]. No. 1921-1D-10, dated the 17th January 1933.**

I have the honour to inform you that a vote of non-confidence has been passed against Mr. U.....by a majority of fourteen votes and to state that it has been formally declared that Mr. U.....is no more the Chairman of the Council and also to state that these fourteen members will disclaim responsibility with regard to any act of Mr. U.....as Chairman that he might do after the 16th January 1933.

Serial No. 6 & 7.— * * * *

Serial No. 8.—**From Mr. L. .....Vice-Chairman, District Council Y.....to M.....Esq., I. C. S., Secretary to the Government of B.....Local Government Department, No. 2126-2127, dated the 1st February 1933.**

I have the honour to inform you that Mr. U..... Chairman, now deposed by majority, has removed the vouchers, payment orders, etc., from the office almirah, after destroying the seals affixed to this almirah by those deposing him.

There is every reason to believe that these vouchers, payment orders, etc., are being tampered with.

Serial No. 9.—**From C.....Esq., I. C. S., Commissioner, S.....Division, to the Secretary to the Government of B.....Local Government Department, No. 2D-14 (39-46) dated the 2nd February 1933.**

Subject :—*Dispute between the Chairman and the Vice-Chairman of the Y.....District Council.*

With reference to your demi-official letter No. U33, dated the 20th January 1933, I have the honour to forward a copy of a letter which I have received from the Deputy Commissioner, on the subject of the removal of the Chairman of the Y.....District Council by the other members. The history given by the Deputy Commissioner, however, does not go back far enough to explain the position clearly. The two parties have been quarrelling since April when they fell out over the giving out of the bazaar and Slaughter-house contracts; the Vice-Chairman's party then gave out the contracts to men who put in very low tenders, and I am convinced that their reason for doing so was that money had been accepted from certain of the contractors. The Vice-Chairman admitted as much to me privately, and I found that one of the leading members of his party had "borrowed" Rs. 600 from one of the contractors a few

days before the question was taken up by the Council. I had to interfere and set aside their arrangements, and I gave out the contracts to men who were recommended by the Chairman and two other of the Sub-Committee which was appointed to deal with the matter. I went down to Y.....in June and discussed the position with the Chairman and the other party with the object of coming to a working arragement between the two; and up to that point I was of opinion that the major part of the blame attached to the Vice-Chairman's party. The Chairman, however, was not free from blame, and even then showed a tendency to refuse all opportunity of discussion to the other side; for instance when they sent in requests that certain matters should be put on the Agenda for discussion he refused to put them in, and ruled out of order any attempt to bring the question up in the meeting.

2. Since then the attitude of the Chairman has been impossible. The rules are that he should call, meetings at intervals of not more than two months but he called none from early May till August. At the August Meeting he refused to have the Minutes read as he was afraid of the discussion which might arise. He also refused to allow the circulation of the Agenda paper in time, as held down in the Rules and tried to rush through a lot of important questions without allowing time for consideration. On account of his failure to observe the Rules for the Conduct of Business the Government agreed to the annulment of the resolutions passed as that meeting, and ordered the Chairman to convene another meeting at an early date. The Chairman, however, disobeyed these orders and the next meeting only

took place on the 9th January 1938. During this time Mr. U.....has been acting as he pleased without the authority of the Council.

3. I have already forwarded the Minutes of the meetings held on the 9th and 16th January and I now forward a copy of a letter addressed to me by the Vice-Chairman and three others members of the Council in which they claim to have deposed Mr. U.....and protest against his continuing to act as Chairman in spite of this deposal. I have replied to them that they have not got power to depose and that until the Local Government has passed orders on the subject Mr. U.....must continue to act as Chairman. I enclose a copy of my reply to that letter.

4. Mr. U.....has also visited me and has asked to be allowed to carry on. He says that although his actions have not been according to Rule he has acted honestly as Chairman and that the other side is dishonest and would only attempt to make money out of the District if they had the power. He says that their opposition to him is due to the fact that he wishes to work honestly and does not countenance bribery. He thinks that some of the 14 members who passed the resolution of the 16th agreed out of fear but he has no suggestion to make as to the future administration of the District. The two parties have come to a deadlock, and his proposal to carry on as they are seems to me certain to lead nowhere.

5. It is true that the opposition party to Mr. U..... were responsible for the sales of leases last year to low tenderers, and that these sales were probably influenced by bribery. If the honesty of the party is to be judged by

this it is to be expected that the deposition of Mr. U..... and the substitution of a member of Mr. L's.....party would not improve the standard of the administration. This bribery however. was apparently the work of a few of the members, and can hardly be assumed from it that everyone is corrupt. The Council since that date have had no opportunity to show what they are made of, as the Chairman has usurped all their powers and has never given them a chance to do anything. The probability is that they will not be a success, but in the absence of proof I do not think it possible to ask for the suspension of the whole Council.

6. The only course which seems to me open to the Government at the moment is to depose Mr. U. and to give the Council a chance to its merits under another Chairman. It seems to me that there are ample grounds to warrant this action on the part of Government. His duties as Chairman are clearly laid down and he has deliberately refused to comply with the rules for the conduct of business. He has failed to call meetings as required; he has disobeyed Government's order to call an immediate meeting after the resolutions of September were annulled; he has executed works which he had no power to sanction; he has failed to collect the sums due to the Council under their contracts, so that at present there is an outstanding of bazaar lease rents of about Rs. 11,000 and no action seems to have been taken for the recovery of these sums; he has quarrelled with the Seeretary and has been carrying on the work through the second clerk, although the bye-laws lay down that all papers should pass through the hands of the Secretary.

His whole official conduct has been for the last eight months in direct opposition to the Act and the bye-laws. The opposition party alleges corrupt motives for his actions but there is no proof of the truth of these accusations; but whether they are true or not it seems to me that the Vice-Chairman's party has every reason to be dissatisfied with the conduct of a Chairman who has broken all the rules and has taken every thing out of their hands and acted absolutely autocratically.

7. I think the Chairman's conduct would warrant his deposal and I recommend that Government take this step at once.

8. There is a further point on which I would ask for the orders of the Government. The time has arrived for the resale of the bazaars and slaughter-houses for the coming year. Last year this auction was the cause of the start of the trouble, and I am afraid that there will be dishonesty again this year. There are a large number of the present lessees who have not paid up their dues, and I do not think it would be wise to entrust the disposal of leases to either of the two parties in the Council. I would, therefore, recommend that, whatever action the Government decides to take on the recommendations in the earlier part of this letter, immediate orders should be issued that the Deputy Commissioner should take up the sale of the leases for next year and see that adequate security is obtained from the purchasers. It seems to me that this step is absolutely necessary in order to secure the revenue for the next year.

Serial No. 10.—**From C.....Esq., M. A., I. C. S., Commissioner, S.....Division, to the Secretary to the Government of B....., Local Government Department, No. 2-D-14, dated the 5th May 1933.**

* * * *

3. In my letter No. 2-D 14 (39-46), dated the 2nd February 1933, I went through the history of the Council during the past year and recommended that the Chairman should be removed. I considered that the dispute between the Chairman and the Council had reached a stage that precluded any possibility of the honest carrying out of the work of the Council; the two parties were deadly enemies and could not work together, and their continued association in the work of the Council was certain to lead nowhere. The main faults at that time had been on the side of the Chairman, and though I had no hope of successful administration by the other side it seemed to me impossible to make a case for supersession until they had been given a trial. Now, however, the position has changed, and it seems to me that it would be possible to make a case for the supersession. In my letter which I have quoted above I asked for orders that the sales of all Council leases should be carried out by the Deputy Commissioner as the Council was not to be trusted with the work; and to this the Ministry agreed, at least to the extent that the sales were to be carried out in the presence of an Officer nominated by the Deputy Commissioner. The Chairman has made an attempt to carry out the orders of the Ministry, and the sales have been conducted in a way that seems to me entirely unobjectionable. Adequate notice of the intention to sell by auction was given, and

there have been no complaints from prospective buyers that they did not know what was being done. (I may mention that complaints of this kind are frequent, and where there has been any suspicion of favouritism, or where due notice of sales was not given, there is always a petition. If no petition on the subject comes in there is little fear that there was any thing wrong.) I am satisfied that the action of the Chairman was an honest attempt to carry out the orders of the Ministry; and it seems to me that the attitude which the opposition party in the Council have adopted on the question should be sufficient to discredit them entirely, and to show that no honest work is to be expected from them. Their conduct is a direct defiance of the orders of the Ministry, and cannot be explained away.

4. Further instances of their attitude may also be quoted :—

(*a*) In the second resolution of the meeting held on the 13th April their reference to the Hon'ble Education Minister is insulting in the extreme and cannot be passed over.

(*b*) Their proposal forcibly to seize and seal up the Council Office shows the violence of their personal feeling against the Chairman. I regret that I cannot make myself believe that this course is suggested by anxiety for the public welfare.

(*c*) Resolution No. 10 of the Meeting of 23rd March is a direct refusal to obey an order passed by me under Section 21 (5) of the Rural Self-Government Act, as I had requested the Council to dispense with his services.

5. Supersession has been recommended by the Audit Department on account of the disgraceful condition of the office and the failure of the Executive to obey the most ordinary rules. It is also recommended by the Deputy Commissioner, a copy of whose letter No. 4621-2-P.-8, dated the 27th April 1933 is forwarded. I myself can see no alternative course and would strongly recommend that very early action be taken to supersede and to put in a competent officer to take charge. Both sides have now proved their incompetence and the sooner the decision is arrived at the better for the District.

NOTES.

1.

I submit below a case relating to the Y.....District Council. I do not wish to go into the history of the case at great length as I think we shall have to examine it in some detail after the Legislative Council Session. Serial No. 4, however, received two days ago shows that the administration has broken down again and I doubt very much if we shall get anything done until we get the Council superseded. The Commissioner takes the view that the Chairman has made the position impossible and ought to be removed. I do not think we can remove him but it would be a good thing if he could be persuaded to resign.

2. There is a long history of mismanagement and maladministration in Y.....and 18 months ago we discussed the position but owing to the probability that the Legislative Council would not pass an order of supersession until all other remedies had been exhausted it was decided to post an officer of special duty as an Adviser to the

Chairman with power to report to the Commissioner how things were being carried out so that the latter could issue such orders as would be necessary to secure proper administration.

3. Mr. C.....who had just been officiating as Deputy Commissioner, Y.....was given the appointment and kept things going for so long as he was there. He continued in the appointment until 29th February 1932.

4. Since Mr. K.....left however, the Council has slipped back into its old ways. In file 515-U/32 will be found an account of incidents in which Government had to intervene and annul certain proceedings. The Commissioner's letter in that file shows how arbitrary the actions of the Chairman have been. In an earlier file, 247-U/32 there is an account of a dispute between the Chairman and the Vice-Chairman over the disposal of the bazaar licenses, etc. In Serial No. 4 in that file we left it to the Commissioner to deal with the situation.

5. The latest manifestation is that resolution was passed to depose the Chairman from the office. The almirahs were sealed up and the Vice-Chairman began to deal with the Secretary direct. The Chairman, however, broke the seals and the Deputy Commissioner issued an order to the Vice-Chairman (this is not in the file but Mr. U.....showed me a copy) directing him not to interfere with the Chairman's transaction of the Council business.

6. The course of action which I recommend is that—

(*a*) Mr. U.....should be asked to resign ; and

(*b*) the Council will have to elect a new Chairman.

I doubt if he will agree to resign except under pressure. There are allegations and counter-allegations made in the annexure to Serial No. 4 and these will have to be the subject of an inquiry, but it is most unlikely that any of them are susceptible to judicial proof so that they will not be of much value for enforcing his resignation.

7. We must also get an officer appointed with the consent of the District Council who should be Chief Executive Officer. We have never made an appointment of this nature before in the case of District Council and the appointment will have to be made by the Council itself. We, however, should make rules for the appointment under section 21 (1) and put into those rule what powers he should have. This will cost the Council something as we should want a fairly senior man and he would have to go on foreign service terms. I do not see, however, how else we can arrange for the administration of this District Council.

8. We must at the same time prepare a case for the Local Government Advisory Board and put it hefore the meeting at the end of the Council Session. We want to get them to advise an enquiry with a view to supersession and we can then take the orders of the Government to form a Committee consisting of the Commissioner, S..... Division and two Members of the Local Government Advisory Board to enquire into the affairs of the Council. We can put their report before the meeting of the Local Government Advisory Board early in the rains and prepare and order of supersession for the August Session.

9. In the first instance, however, the important

thing is to obtain the resignation of the Chairman and arrange for the appointment of an Executive Officer.

(Sd) *Secretary, 4-2-33.*

Hon'ble Minister for Education.

I will see Mr. U.....the President of the Council, and try to persuade him to resign and then it will be an easy matter to appoint an Executive Officer.

(Sd.) *Hon'ble Minister for Education, 6-2-33.*

II.

I submit below the Y.....case for persual of Serial No. 6 just received from Commissioner, S.....His recital of the misdeeds of the Chairman could in the last resort be made to justify the removal of the gentleman under section 61 (2) of the Act though it would obviously be much better if he could be persuaded to resign.

2. The Commissioner at the end of his letter asks for orders regarding the disposal of the bazars, slaughter-houses, etc., for the forthcoming year. In a separate case I am submitting for Hon'ble Minister for Education's approval rules which we drafted in the course of 1932 to ensure greater regularity in the conduct of this kind of business. If we appoint an Executive Officer of the Y.....District Council he will see that these concessions are properly disposed of. Once again, I think the previous history of the case would justify our insisting on their disposal by the Deputy Commissioner to secure conformity with the law, if in the last resort such an order should be necessary. In the meantime, we may direct that these

licenses be not sold until orders are received from Government as to the method of their disposal.

(Sd) *Secretary, 6-2-33.*

Hon'ble Minister for Education.

Both the parties are untrustworthy. Six of one and half a dozon of the other.

It will never do to allow any of them to dispose of the licenses for the coming year. In the meantime the Secretary will press on with the arrangementr for the appointment of an Executive Officer.

I will see Mr. U.....on the 8th and the Vice-President on Thursday or Friday. I can't have either of them as President.

(Sd) *Hon'ble Minister for Education, 6-2-33.*

III.

Serial No. 10 from the Commissioner, S.....Division makes it clear, I think, that we must ask the August Council to pass an order superseding the Y.....District Council for three years. (B.....Rural Self-Government Act section 67). The Chairman and the members are at sixes and sevens, and it cannot be said that either party is in the least solicitous of the public interest.

2. The history of the case will be found set forth in the summary prepared for the Local Government Advisory Board in February last, when we proposed to ask the Board to recommend the appointment of a Committee of Enquiry with a view to the supersession of this Council. The meeting of the Board was not held, however, because the Legislative Council Session con-

tinued right on into March, and time could not be found for the holding of an adjourned meeting. I think that now we can dispense with a Committee of Enquiry altogether, and would recommend that we prepare at once the draft order of supersession.

3. We shall be criticised in the Council if we do not consult the Local Government Advisory Board on the case, and I think therefore, we should circulate the papers to the members of the Board, and call a meeting in June. I cannot think that the Board would fail to support us on this case,—though, awkwardly enough, Mr. U....., M.L.C., the Chairman of the Y.....District Council, is a member of the Board.

A point from which we should derive support is the fact that the majority in the District Council have requested that the Council be superseded if Government can take no other action against the Chairman. It is not to be understood that they are disinterested in this; their idea is to get superseded first, and then agitate for reinstatement, when they hope to get into office without Mr. U.....and his friends, and so obtain a free hand.

4. Such action as is possible has been taken to alleviate the situation meanwhile. Hon'ble Minister for Education tried to persuade the District Council to agree to the appointment of a Chief Executive Officer, but they refused. We have now stopped their contributions, which are to be paid only on the production of satisfactory statement of account, in instalments. We have also refused to pay their Public Works contribution at all unless they employ the Public Works Department and we have nominated three members to the Council as a

steadying influence. Unfortunately they have not steadied it enough.

5. I solicit orders therefore to prepare the draft order of supersession for the August Session, and to convene a meeting of the Local Government Advisory Board to try and get them to support it in June.

(Sd) *Secretary, 16-5-33.*

Hon'ble Minister for Education.

We have done our best to prop up this tottering body. The only thing left now is to scrap it and form a new Council. I have no doubt we will get the required support in the Legislative Council.

(Sd.) *Hon'ble Ministes for Education, 16-5-33.*

May discuss on Thursday?

(Sd.) *Secretary, 16-5-33.*

His Excellency.

Discussed; it is agreed that the Council should be suspended for three years.

(Sd.) *His Excellency, 18-5-33.*

Model Precis.

SUBJECT:—Supersession of "Y" Council.

There has been a long history of mismanagement and maladministration in the District Council "Y" and the Government of "B" had to appoint an Officer on Special duty as an Advisor to the Chairman with power to report to the Commissioner. The Officer continued uptil 29th

February 1932 and kept things going for so long as he was there. Since he left, the Council has slipped back into its old ways and there have been frequent disputes between the Chairman and the Vice-Chairman and his party.

2. On the 17th January 1933, the Vice-Chairman telegraphed to the Secretary to the Government of "B," Local Government Department, that a vote of "No-Confidence" had been passed by 14 members on the 16th January on Mr. "U." Chairman of the District Council who had therefore ceased to be the Chairman. A letter to same purport was also sent on the same day, and on the 1st February 1933, it was reported that the deposed Chairman had removed the vouchers, payment orders, etc. from the office-almirah after destroying the seals affixed to it and was believed to be tampering with them.

3. The Commissioner of the Division who was also furnished by the Vice-Chairman with the above information, submitted a report on the 30th January 1933 to the Secretary to the Government "B," detailing the sequence of events which led to the present situation. He stated that:—

(*i*) the trouble started in 1932 when a Sub-Committee, appointed by the Council to dispose of Bazar leases, gave out the leases to low tenderers as a result of bribery and he had to set aside their arrangements;

(*ii*) several members of the Council requested the Chairman to call a meeting to discuss unsettled questions but it was not done till August in

spite of the Commissioner's warning in June. Even when the meeting was convened, the agenda was not circulated and the Chairman refused to have the Minutes of the last meeting read as he was afraid of the discussion which might arise. The opposition represented and the result was that the resolutions were annulled. The Chairman was ordered to convene another meeting at an early date but this was disobeyed and the next meeting only took place on the 9th January 1933 when he acted as he pleased.

(*iii*) Another meeting was held on the 16th January at which too the Chairman refused discussions when a "No Confidence" resolution signed by 14 out of 21 members was brought in. The two parties had now reached a deadlock for which the Chairman was mainly responsible while the other party was untrustworthy for swindling over the bazar leases in April 1932.

In conclusion, the Commissioner remarked that the whole Council was corrupt. It had done nothing to collect or clear up the arrears left by the Special Officer and this year's revenue had also been allowed to get into arrears. In these circumstances, he recommended to Government to supersede the whole Council and if this was not considered advisable, to remove the Chairman through the latter course would improve matters. He also suggested to put in an official to run the Council.

4. In placing the case before the Hon'ble Minister of Education on the 4th February 1933, the Secretary to

the Local Government suggested that :—

(*a*) the Chairman should be asked to resign;

(*b*) the Council should elect a new Chairman; ahd

(*c*) an officer should be appointed with the consent of the District Council, who should be Chief Executive Officer; and

(*d*) at the same time prepare a case for orders of supersession for the August session af the Legislative Council.

5. The Hon'ble Minister stated that he would see the Chairman and try to persuade him to resign.

6. The Demi-official letter No. U. 33, dated the 20th January, 1933 from the Secretary to the Local Government necessitated a further enquiry. The Commissioner in his letter No. 2 D. 149-46 dated the 2nd February 1933 repeated the history of dissensions and proceeded to state that he had informed the Vice-Chairman and his party that they had no power to depose and that until the Local Government passed orders on the subject, Mr. "U" must continue as Chairman. He, however, urged the deposal of the Chairman for his :—

(*i*) deliberate refusal to comply with the rules and orders of the Government;

(*ii*) execution of works which he had no power to sanction;

(*iii*) failure to collect the sums due to Council under their contracts;

(*iv*) absolutely autocratic official conduct in direct opposition to the Act and the bye-laws;

and recommended that the present Council be allowed a chance to prove its merits under another Chairman. As

regards the resale of the bazaars and slaughter houses for the coming year, the Commissioner asked for orders that the Deputy Commissioner should take up the sale of the leases and see that adequate security was obtained from the purchasers.

7. In submitting the report, the Security to the Government considered that the misdeeds of the Chrirman could justify his removal in the last resort though it would obviously be better to persuade him to resign. He supported the views of the Commissioner in respect of the sale of bazaar leases.

8. The Hon'ble Minister decided that both the parties were untrust-worthy and it would never do to allow any of them to dispose of the licenses for the coming year and that neither the Chairman nor the Vice-Chairman was fit to be Chairman.

9. In a subsequent report dated the 5th May 1933, the Commissioner stated that the sale of the leases was conducted properly in the presence of an officer nominated by the Deputy Commissioner. The Chairman made an honest attempt to carry out the orders of the Ministry but the attitude of the opposition party in the Council was in direct defiance of the orders as would be disclosed from the following instances :—

(*a*) They refused to obey his order as per Resolution No. 10 of the meeting of 23rd March.

(*b*) In the second resolution of the meeting of the 13th April 1933, they made an extremely insulting reference to the Hon'ble Education Minister.

(*c*) They proposed to seize forcibly and seal up the Council office.

The Audit Department had also recommended supersession for disgraceful condition of the office and the failure of the Executibe to obey the ordinary rules. He, therefore, emphasised the necessity for early supersession of the Council and advocated for the appointment of a competent officer to take charge.

10. The Secretary endorsed the views of the Commissioner and was inclined to the opinion that the District Council might be superseded for 3 years as neither party was in the least solicitous of the public interest. To avoid criticism in the Legislative Council, he suggested the circulation of the papers to members of the Local Government Advisory Board and a meeting of the Board held in June. He further observed that the request of the majority in the District Council to supersede the Council if no other action was taken against the Chairman would lend a support to Government. The Hon'ble Minister had tried to make the District Council agree to the appointment of a Chief Executive Officer but in vain. Accordingly Government stopped its contribution and nominated 3 members to the Council but these measures proved ineffective. He, therefore, asked for permission to prepare the draft order of supersession for the August Session and to convene a meeting of the Local Government Advisory Board and try to get them support it in June.

11. The Hon'ble Minister concurred in the views expressed above which were accordingly discussed with His Excellency the Governor who agreed on the 18th May, 1933 that the Council should be superseded for 3 years.

Model Draft.

No.....

GOVERNMENT OF BENGAL,

LOCAL GOVERNMENT DEPARTMENT,

Calcutta, dated the *May 1933.*

From

M.....Esq., I. C. S.,

Secretary to the Government of Bengal,

Local Government Department.

To

C.....Esq., I. C. S.,

Commissioner, S.....Division.

Subject:—Supersession of Y Council.

Sir,

With reference to the correspondence ending with your letter No. 2-D/14, dated the 5th May 1933, on the subject noted above, I am directed to convey the orders of His Excellency acting with the Ministers and to explain them as follows.

2. As long ago as 1928, there was serious maladministration in the affairs of the District Council "Y." No drastic action was taken; however, as it was hoped that the Council which entered office in 1929 would effect the necessary reforms.

3. The inspection report on the accounts of the District Council by the local Auditor in July 1930 disclosed deplorable state of affairs, particularly the financial position was reported to be very unsatisfactory. The 1929 Council failed to bring about any improvements.

4. The Council of 1932 has been marked by bitter internal quarrels which have completely dislocated work

and created a deadlock. The disputes between the two parties in the Council began in April 1932 when a Sub-Committee appointed to dispose of the Bazaar leases, accepted the low tenders. The Commissioner suspected the Sub-Committee's decision and made fresh arrangements. The Chairman was repeatedly asked to hold meetings but from May to August, no meeting of the Council was convened. The meeting in August was conducted irregularly and Government was forced to cancel the Resolutions passed in it and ordered the Chairman to convene another meeting at an early date, but it did not take place till January 1933. On the 16th January, the Vice-Chairman and his party passed a Resolution for the removal of the Chairman.

5. Further difficulties arose in connection with the disposal of the Bazaar leases for the current year and as a result, Government ordered sale of these leases in the presence of an officer deputed by the Deputy Commissioner. This was done but the attitude of the Vice-Chairman's party in this connection was sufficient to discredit them entirely and showed that no honest work was to be expeeted from them.

6. An impossible position had thus been created. The Deputy Commissioner, the Commissioner and the Audit Department recommended supersession as the only remedy and His Excellency the Governor acting with his Ministers agreeing with this view ordered that the District Council be superseded for 3 years, and that its affairs

managed during this period by a special officer appointed by the Local Government.

I have the honour to be,
Sir,
Your most Obedient Servant,
(Sd.) M.....
Secretary.

Model Precis

There has been a long history of mismanagement and maladministration in the District Council of Y and the Government of B had to appoint an officer on special duty as an Adviser to the Chairman with power to report to the Commissioner. The officer continued up to 29th February 1932 and kept things going so long as he was there. Since he left, however, the Council has slipped into its old ways and there have been frequent quarrels between the Chairman and the Vice-Chairman and his party.

2. On 17th January 1933, the Vice-Chairman drafted to the Local Government that a vote of no confidence, had been passed by fourteen members of Mr. U. the Chairman of the Council who had therefore ceased to be Chairman. A letter to the same purport was sent on the same day and on the 1st February 1933 it was further reported that the *deposed* Chairman had removed vouchers, payment orders etc. from the office almirah and was believed to be tempering with them.

3. The Commissioner of the division who was also furnished by the Vice-Chairman with the information above reported to the Local Government on the 30th

January 1933 that the trouble had started in April 1932 when a Sub-Committee appointed by the Council to dispose of Bazaar leases accepted very low terms as the result, probably, of bribery and the Covernment had to interfere. There was considerable dissatisfaction with the Chairman's procedure at the time and he was requested by several members to call a meeting to discuss unsettled questions. No meeting was called until August though the Commissioner in June personally asked for a meeting and though the rules required meetings at intervals of not more than two months. When a meeting was convened at last, the agenda was not circulated and the Chairman refused to have the minutes of the last meeting recorded or he was afraid of the discussions that might arise. The opposition represented to the Commissioner and as a result, the Resolutions were cancelled. In spite of an order of the Local Government and a personal request by the Commissioner in November that an early meeting should be held, no meeting was convened until 6th January 1933 and even then the Chairman refused to allow discussions which in the opinion of the Commissioner, he should have allowed. Another meeting was held on 1st to 16th January 1933 at which too the Chairman refused to allow discussion when 'no confidence' resolution signed by fourteen out of 21 members was brought in. A deadlock had now been reached, for which the Chairman's conduct was mainly responsible. On the other hand, the other party was no more to be trusted as they were responsible for the swindle over the issue of the bazaar leases in April 1932. The Commissioner considered that the whole

Council was corrupt, the roads and ways of the buildings were deplorable and arrears of revenue had been allowed to remain uncollected. In the circumstances, he recommended that the whole Council should be superseded and if this was not considered advisible by Government, the Chairman should be removed, though the latter course was hardly likely to improve matters.

4. The Secretary to the Local Government thought however that the Government could not remove the Chairman but that Mr. U. should be asked to resign, the Council should elect a new Chairman and a Government officer should with consent of the District Council be appointed Chief Executive Officer. At the same time, steps should be taken to get an order of supersession for the August session of the Legislative Council. The Hon'ble Minister stated that he would see Mr. U and try to pursuade him to resign.

5. In the meantime, in response to a District Officer enquiring from the Local Government dated the 20th January 1933, the Commission made a further report on the 2nd February 1933 to which, after repeating the history of the discussions he stated that he had informed the Vice-Chairman and his party that they had no power to depose the Chairman who must continue until removed by Government. He was however of opinion that the Chairman should be removed by the Government in view of the deliberate refusal to comply with the rules and orders of Government, his execution of works which he had no power to sanction, his failure to collect large sums due to the Council under contracts and his absolutely

autocratic conduct in direct opposition to the Act and the Bye-Laws, and that the rest of the Council should be allowed an opportunity to show their capacity, specially as only a few individuals were involved in bribery in connection with the Bazaar leases. About the resale of the Bazaar leases for the coming year, the Commissioner stated that a large number of the existing leases had not paid the sums and it would not be wise to entrust the disposal of the leases to either party. He therefore requested the permission of the Government to entrust the sales to the District Commissioner who would see that adequate security was obtained from the purchaser.

6. In submitting the foregoing report the secretary recorded his opinion that the misdeeds of the Chairman could justify his removal in the last resort, though it could be preferable to pursuade him to resign. With regard to the Bazaar leases, he agreed with the suggestion of the Commissioner. The Hon'ble Minister was of opinion that both the parties were untrustworthy and neither could be entrusted with the disposal of the leases and that neither the Chairman nor the Vice-Chairman was fit to be Chairman.

7. The Commissioner reported that the leases had been given out properly in the presence of an officer nominated by the District Commissioner. He added that the situation however had deteriorated in other respects and that he would therefore recommend supersession. The Chairman had made an attempt to comply with the orders of the Government but the attitude taken by the other party was in direct defiance of the orders and showed that no honest work could be expected by them.

They had made an extremely insulting reference to the Hon'ble Education Minister in a resolution on 13th April 1933 proposed to seize forcibly and seal the Council office and had refused to obey an order passed by the Commissioner. The Audit department also had recommended supersession on account of the disgraceful condition of the officer and the failure of the executive to obey the most ordinary rules. A very early supersession was therefore essential and the Commissioner recommended that a competent officer might be appointed to take charge.

8. In submitting the Commissioner's letter to the Hon'ble Minister, the Secretary stated that in his opinion, it clearly showed that supersession of the District Council for 3 years was called for as neither party was in the least solicitious of the public interest. To avoid criticism in the Legislative Council, the papers should be circulated to Members of the Local Government Advisory Board and a meeting of the Board held in June. The request of the majority of the District Council that the Council should be superseded if the Government took no other action against the Chairman would strengthen the hands of Government. The Hon'ble Minister had tried to persuade the District Council to agree to the appointment of a Chief Executive Officer, but they had refused. Government had stopped its contributions and had nominated these members but these measures had not been effective. He therefore requested orders to prepare a draft order of supersession and suggested that he might try to get the support of the Local Government Advisory Board at a meeting to be convened in June.

The Hon'ble Minister for education agreed with these suggestions. They were discussed with His Excellency the Governor who agreed on the 18th May 1933 that the District Council should be suspended for 3 years.

ANOTHER MODEL PRECIS.

Subject :—Famine Relief Fund—Revision of Schedule IV to the Devolution Rules.

A review of the famine expenditure during the 20 years 1905-1925 revealed that the constitution of the Famine Insurance Fund and the regulations governing it needed change for the following reasons :—

(*i*) The contributions prescribed were in excess of the actual requirements and under the greatly improved conditions due to development of Irrigation and Communications, a considerable reduction could be effected in them.

(*ii*) The rules did not compel any Province to maintain a minimum balance for the purpose of meeting direct expenditure on famine relief proper.

(*iii*) In certain cases the annual contributions had been heavily drawn upon for Irrigation Works and little had been accumulated to meet the direct demands of a really bad season or seasons.

2. After a preliminary correspondence between the Government of India and the Provincial Governments the question was discussed at a Conference of Financial Representatives of the Provinces held in November 1927 and the following major proportions were ultimately placed before the Provincial Government and accepted by them.

(*i*) The fund should cease to be an Insurance Fund

and should provide as its preliminary and main object, for expenditure on famine relief proper.

(*ii*) The annual contributions required to be paid by the Provincial Governments should be calculated on the average amount spent annually on famine reief during the period 1905-1925.

(*iii*) When a certain minimum balance had been accumulated in the fund, the payment of further contributions should be optional and not compulsory. Interest carned would, however, continue at all times to be credited to the fund. The minimum balance to be prescribed in each case should be sums approximately equal to the largest amount spent on famine relief in any two consecutive years during the period 1910-25.

(*iv*) The construction of protective works should be undertaken as part of the ordinary administration and should be financed by the ordinary methods.

(*v*) The financing of loans to cultivators which had already been recognised as a productive purpose under the regulations of the Provincial loans fund should ordinarily be carried out by means of advances taken from that fund.

3. The Government of India then addressed the Secretary of State and proposed a draft revise of Schedule IV of the Devolution Rules for his consideration. An amendment to rule 29 of the Devolution Rules was also suggested so as to alter the name of the fund from "Famine Insurance Fund" to "Famine Relief Fund." The main features of the proposal of the Government of India were :—

(*i*) Government of Burma and Assam should in future be wholly absolved from maintaining a famine Fund as

their average annual expenditure on famine relief during the period 1905-25 had not been more than Rs. 10,900 and no special arrangement was necessary in their case.

(*ii*) In the case of Bihar and Orissa the figures of annual contribution and minimum balance were fixed at Rs. 3 lakhs and 15 lakhs respectively as a measure of greater precaution in order to have a margin for the relief of famine due to floods. In the case of Bombay, Bengal, Bihar and Orissa and the Central Provinces the balances already accumulated were greater than the minimum proposed. In the case of other provinces it was expected that accumulated balances would come up to the minimum required under the proposed draft within 2 or 3 years.

(*iii*) In actual practice the word "Famine" should not be interpreted too strictly and that it should be held to cover famine due to drought or other natural calamaties. It was intended that in future so long as the balance in the Fund did not exceed the minimum prescribed in para 5 of the draft schedule, expenditure on the fund should only be incurred on the relief of famine due to drought or flood or other natural causes. The Auditor General had also agreed to accept this broader scope of the expression "famine" and para 10 of the draft schedule conferred upon the Governor of the Province the right of finally interpreting the term "famine."

(*iv*) Paras 8 and 9 of the draft schedule provided that loans to cultivators from the famine relief fund might be made directly through the Provincial Loan Account. As majority of the Provinces had expressed the opinion that

this provision should replace the existing procedure, it had been adopted in the proposed draft.

4. The Government of India also recommend that in case their draft of the schedule was approved, the Provincial Governments who had at their credit balance in excess of the minimum prescribed should be free to utilize the surplus on the objects specified in para 8 of the draft revised schedule. In the case of Bombay the Government of India recommended that a sum of Rs. 62 lakhs withdrawn during that year for recoverable advances in connection with flood relief might be treated as permanently transferred to the Provincial Loan Account, the recoveries of interest being credited to Provincial Revenues. A draft amendment to the then existing schedule giving effect to this proposal was also enclosed and sanction to it was sought by telegram. After taking into account the transfer of Rs. 62 lakhs there was still at the credit of Bombay Government in the Fund a sum of over Rs. One Crore in excess of the minimum balance. The Bombay Government, however, did not propose to use it in whole or in part for ordinary revenue expenditure at the time but wanted an assurance that they would be permitted to withdraw from the fund the amount required if such an occasion ever arose.

The Government of Bihar and Orissa would have at at their credit about Rs. 55 lakhs in excess of the minimum balance. Out of this they wished to utilise Rs. 5 lakhs for repayment of their outstanding advances under Devolution Rule 23 and let the balance remain in the Fund till the succeeding year. The Government of Central Provinces who had Rs. 134 lakhs at their credit in excess of the

minimum balance might be allowed by the Government of India to withdraw the surplus as and when required and might have unfettered discretion to utilize it.

In the end it was sought that the new Famine Relief Fund should be brought into force early in 1928-29. The Secretary of State generally agreed with the views of the Government of India and the proposed revision of the schedule IV subject to the following remarks. He accorded his sanction to amend rule 8 of the then existing schedule to enable Government of Bombay to appropriate finally to the Provincial loan account advances made from the Fund during 1927-28.

(*i*) The reduction in the annual contribution and the minimum balance should be on an experimental basis and that a report of the working of the new arrangements should be made to him after 5 years.

(*ii*) The object of the fund should be more clearly indicated in the rules rather than to leave it to Provincial Governments to decide doubtful cases and that he might be consulted if difficulties arose in actual practice.

(*iii*) The Government of Bombay, Central provinces and Bihar and Orissa should be permitted to draw on their surplus fund but it would be inappropriate to utilize their surplus for initiating fresh recurring expenditure unless resources for meeting the commitments were expected to be available.

(*iv*) The other provinces should be consulted about the utilization of the surpluses in the fund on the lines of the proposal made by the Central Provinces Governments that they should be utilized for the repayment of debts.

In the end he asked for a copy of the rules in their final form.

Model Draft

No. 11 of 1928.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Finance.

To

The Right Honourable the Earl of BIRKENHEAD,
His Majesty's Secretary of State for India,
Simla, the 21st June, 1928.

Subject :—Revision of Schedule IV to the Devolution Rules.

My Lord

We have the honour to refer to paragraph 7 of your Lordship's despatch, No. 17-Financial, dated the 3rd May 1928 on the above subject, and to enclose herewith a copy of the revised schedule in its final form. We shall be glad to receive your sanction to the introduction of the new schedule, as also to the amendment of rule 29 of the Devolution Rules, a draft of which was sent as enclosure 3 to our previous despatch No. 5, dated the 8th March 1928.

2. We note your Lordship's instructions contained in paragraphs 4, 5 and 6 of the despatch first referred to

above and are communicating them to Provincial Governments.

We have the honour to be,
My Lord,
Your Lordship's most obedient
humble servants,

(Signed) Irwin.
" W. R. Birdwood.
" B. N. Mitra.
" Mohd. Habibullah.
" G. Rainy.
" J. Grerar.
" A. C. Mcwatters.
" D. F. Mulla.

A specimen of an application

To

The Secretary to Government..... .....
.....Branch
(*Through Proper Channel*)

SIR,

I, the undersigned clerk of the office of the..... most humbly and respectfully beg to submit the following few lines for your sympathetic consideration.

That I occupied the.....Government clerks quarters during the period 1930-34 as.....Government servant tenant on the invitation of the.....Government received through.....As the.....Government

are aware, the necessity for extending the above invitation to.....Government servants arose due to the..... Government servants (for whom the quarters were primarily meant) failing to occupy them in the primitive stage of their colonization when they were exposed to theft, insecurity, and other disadvantages and inconveniences incidental to settlement in a new colony. A large number of.....Government employees comprising a major portion from the.....office however, responded to the invitation.

2. At the time of my occupation of the said quarters I was given to understand that, except in the matter of tenancy which was, for obvious reasons, for a temporary period, subject to renewal every year, I will be treated on par with the employees of the.....Government in all other respects, *viz.* rents, rates, and taxes and other concessions admissible to them and was, as a matter of fact, so treated during the period of my tenancy. One such concession related to the preferential rate of electric charges levied by the.....Electric Supply Co., and the same was allowed to me, as a matter of course, under the standing arrangement between the.....Government and the Company.

3. Now after four years of my leaving the quarters I have been served with a notice from the Company to pay arrear bills for the difference between the full rates ordinarily chargeable and the preferential rate actually charged during the period of my tenancy, on the ground that I had been wrongly billed for, at preferential rate, under a misapprehension that I belonged to the.....

Government and that the agreement with the.....Government provided for preferential treatment to the..... Government servants only. In case I fail to pay the above amount within the prescribed time (which has since expired) I am threatened with legal proceedings.

4. The notice in question has come to me, as to other members of.....office, as a great surprise and involving as it does in my case the payment of a sum of Rs. (and several hundred rupees in the aggregate). I, along with my co-tenants am really upset and am at a loss to understand as to the course I should follow. I am advised that the claim of the Company is time-barred, bad in law, and otherwise inadmissible, but the Company is not prepared to drop the matter and is determined to drag me to the court. For myself I can ill-afford to indulge in litigation of any sort and am therefore, anxious to avoid it, if possible, all the more so, in view of the fact that the..... Government servants concerned are scattered in so many offices and it is difficult to organise a common defence by raising a suitable amount of funds (which it is difficult to correctly estimate) to conduct the proceedings in the court. The.....Electric Supply Co., on the other hand, have all the advantages of a standing counsel, a law department, and ample funds at their disposal. In these circumstances I feel constrained to invoke the help of the Punjab Government in the matter.

5. In this connection I may also submit, without seeking to impose any responsiblity on the.....Government which does not legitimately belong to them, that in as much as the dispute involves the interpretation of an

agreement entered into by the Punjab Government it is for settlement by the Government rather than by the tenants who happened to be in occupation of quarters for the time being. Further, the demand of the company indirectly involves the breach of the understanding given to me at the time of my occupation of the quarter (referred to in para 2 ante which influenced me greatly to move to the quarters) and I have every hope that the Government would be anxious to secure the due fulfilment of that understanding. I have seen a copy of the agreement entered into between the Government and the Company and I believe that the.....Government servants who were tenants in the.....are servants of the Government within the meaning of the above agreement, and in any case, they do not fall under the category of 'non-Government-Servants' referred to in the said agreement. I further understand that this is also the view of the Legal Remembrancer who was consulted by the Government in the matter. For those reasons and those explained in the preceding paragraph, and the fact that the dispute affects the rights and privileges of the Government under the terms of the agreement to which it is a party, I submit that it would be in the fitness of things that the.....Government interest themselves in the matter and use their good offices with the company to drop the contemplated proceedings. In case the Company do not agree I would request that the Government may be pleased to take necessary steps to obtain an authoritative interpretation of the agreement by making one of the contemplated suits by the Company as a test case and defending it at Government expense as it is not possible for me to fight such a case successfully. If

ultimately the Government view is not upheld by the Courts I undertake on my part to pay the amount of my bill to the Company through the Government or otherwise as may be desired. In case the Government cannot see their way to accede to the above request I shall feel grateful if they would be pleased to help in my defence by favouring me with the opinion of the Legal Remembrancer and making all necessary documents and connected correspondence available to the members of the.....Office, and by otherwise identifying themselves with their cause by deputing, if possible, Government pleader to assist in the arguments.

6. In this connection, I understand that the Company has already obtained decision of the court in their favour in one case against an employee of the.....Department. A perusal of the judgment however shows that the Government point of view regarding the position of..... Government servants under the agreement was not placed before the court on behalf of the Government and the company purposely avoided impleading the.....Government in the matter, presumably for the reason that the view of the Legal Remembrancer had been conveyed to them officially.

7. I fervently hope that the.....Government will not grudge this small help to those who by volunteering themselves as the first settlers in the new quarters and bearing the brunt of the disadvantages attaching to such settlement contributed so largely towards their attractiveness, leaving apart the financial advantage which the Government derived from their occupying the vacant quarters at a time

of acute financial stringency and when their own employees had refused to occupy them.

For this favour I shall feel highly obliged to you, and the.....Government.

I beg to remain,
Sir,
Your most obedient servant.

CHAPTER VII
DESPATCHES

Despatches are written messages especially official communications on state affairs.

Specimens of despatches from the Government of India are given below :—

(1)

No. 1 Eccl. of 1932.

GOVERNMENT OF INDIA

COMMERCE DEPARTMENT.

Ecclesiastical.

To

The Right Honourable Sir SAMUEL HOARE, Bart.,
G. B. E., C. M. G., M. P.,
His Majesty's Secretary of State for India.

Dated New Delhi, the 5th March 1932.

SUBJECT :—Reduction of ecclesiastical expenditure in India.

SIR.

We have the honour to refer to the correspondence ending with India Office letter No. P. and J. 6854/30, dated

the 22nd December 1930, in which the Secretary of State for India in Council approved the continuance up to the 31st March 1932 of the existing arrangements with regard to—

(1) the strength of the Anglicans chaplain on the India Ecclesiastical Establishment,

(2) the grants-in-aid to the Indian Church in lieu of chaplaincies reduced, and

(3) the composition grant paid to the Indian Church for the entertainment of clergymen of the Additional Clergy Society.

2. The question of a revision of these arrangements has since been receiving our careful consideration in consultation with the local Governments and the Most Reverend the Metropolitan in India, and we append for your information a copy of the correspondence that has passed between the Government of India and the local Government on this subject (Enclosure I). We discussed the matter with the Metropolitan before formulating the provisional conclusions contained in our Commerce Department letter No. 67 (1)-Eccl., dated the 1st October 1931, to the local Governments and also after the receipt of their views, and we are glad to say that we have again been able to arrive at an agreed scheme of revision. We have as far as possible avoided in this connection any discussions on the historical aspect of the Government of India's obligations in respect of ecclesiastical expenditure, and as desired in paragraph 3 of Lord Peel's despatch No. 116-Public, dated the 13th December 1923, we have reviewed the matter mainly in the light of present-day condi-

tions. Paragraph 2 of our letter of the 1st October 1931 to the local Governments sets forth the considerations which have guided us in arriving at the settlement now proposed. You will observe that our aim has been to provide the full number of chaplains required for ministrations to British troops in India, and as regards civil chaplaincies to provide generally an Archdeacon and two other chaplains for each of the Presidency towns and one chaplain for each of the local Governments' head-quarters in the plains and in the hills, and to make such grants-in-aid to the Indian Church as now appear to be necessary. Further, in view of the financial stringency and of the very pressing need for economy which have coincided with the present review, we feel that a substantial reduction should be effected in our ecclesiastical expenditure.

3. *Indian Ecclesiastical Establishment.* The strength of the Indian Ecclesiastical Establishment (Church of India) which stood at 138, has recently become 187 owing to the unforeseen vacancy caused by the death of Bishop Durrant of Lahore, whose successor will no longer be a Government Bishop but will be remunerated through the Block Grant to the Indian Church (*vide* paragraphs 2 and 7 of our despatch No. 2-Eccl. dated the 21st/28th June 1928). We propose to reduce this strength by eleven *i. e.*, to 126. We enclose two statements (Enclosure II), showing by dioceses the present and the proposed number of the military and the civil chaplaincies including the leave reserve. The strength of the military chaplaincies is to be reduced from 95

chaplains and 3 field service posts to 89 chaplains and 3 field service posts. The revised number of military chaplaincies has been fixed after consultation with the military authorities in India, and it need only be mentioned that the actual reduction is not six but four as, with the transfer of the military control of Aden to His Majesty's Government in the United Kingdom, the two military chaplaincies in Aden will be brought on to the list of civil chaplaincies in the Bombay Diocese. On the civil side, our proposal is to reduce seven posts—three domestic chaplains to the Bishops of Madras, Bombay and Lahore and one chaplain each in the Dioceses of Calcutta, Madras, and Lucknow. With the transfer of the two posts at Aden and the reduction of the post of the Bishop of Lahore from our list, the revised strength of the civil cadre will be 34 chaplains instead of 40. In order to give the Indian Church time in which to adapt itself to the altered conditions, we suggest that the proposed reduction of eleven chaplaincies should not be effected immediately, but that vacancies in the Establishment should be left unfilled to the following extent :

3 during 1931-32.
4 during 1932-33, and
4 during 1933-34.

We invite your attention in this connection to the correspondence ending with telegram No. 2963, dated the 9th October 1931, regarding the temporary suspension of recruitment of Anglican chaplains, and we shall address you in due course on the subject of re-opening recrint-

ment when your sanction to the proposed scheme has been received.

In lieu of the eleven chaplaincies to be reduced, we propose to make ten grants-in-aid of Rs. 500 per mensem each; no grant-in-aid is proposed for the military chaplaincy of Old Delhi as already served by a clergyman is remunerated from the Additional Clergy Society Composition Grant. At the same time, the military and the civil stations where chaplains are to be posted in future will not be stereotyped but, as at present, the Bishops of the Dioceses may continue to vary them by transferring chaplains within their dioceses to meet needs as they arise, with the concurrence of the local Governments and Administrations on the one hand and the General Officers-Commanding-in-Chief on the other.

4. *Grants-in-aid in lieu of chaplaincies reduced.* As regards grants-in-aid, we at present pay annually to the Indian Church a lump sum of Rs. 1,53,600 comprising 22 grants of Rs. 500 per mensem each and 6 grants of Rs. 300 per mensem each, in respect of the 28 chaplaincies reduced by the reorganisation of 1923. We have carefully gone through the list of stations and have made such additions and alterations as appear to be necessary, taking into account at the same time the grants-in-aid to be paid in lieu of chaplaincies to be reduced under the present proposals. Our recommendation are contained in the enclosed statement (Enclosure III) which will show, at a glance, the present and the proposed grants-in-aid by dioceses. We suggest the payment of 23 grants of Rs. 500 per mensem each, that is to say, a total annual grant of Rs. 1,70,400. As in the case of the Indian

Ecclesiastical Establishment, we propose that the process of adjustment in this case should be effected gradually and completed by the end of 1933-34, the delails being settled by us in consultation with the Metropolitan. These grants will be subject to the same conditions as are specified in paragraph 3 (*c*) of our despatch No. 14-Eccl. dated the 18th October 1923, namely, that they shall cover all charges on account of the pay, travelling or other allowances, passage to and from England, pension or provident fund of the clergyman appointed to perform the duties hitherto carried out by the official chaplains, and all their postal, telegraphic, stationery and other contingent charges.

5. *Composition grant for the entertainment of clergymen of the Additional Clergy Society.*—We invite your attention to the correspondence ending with Lord Birkenhead's despatch No. 56-Public, dated the 17th September 1925. We now pay annually to the Indian Church a composition grant of Rs. 2,00,000 for the entertainment of clergymen of the Additional Clergy Society or other approved societies in the following circumstances :—

(*a*) when there is a temporary vancancy in a post which a Government chaplain is sanctioned and no member of the Indian Eeclesiastical Establishment is at the time available to fill it (*cf.* Article 602 of the Civil Service Regulations) ; and

(*b*) at stations where there are no sanctioned posts of Government chaplains but where owing to the number and nature of the Anglican congregation Government agree to assist towards the provision of clergymen's services (*cf.* Article 603 of the Civil Service Regulations).

A grant of Rs. 3,008 is now paid under category (*a*), but the Metropolitan has represented that it is not adequate and has suggested that it should be raised by Rs. 2,000 in order to cover the cost of the arrangements made when a field service reserve chaplain is taken away to fill a regular vacancy in the cadre of a diocese and is thus removed from a 'reduced chaplaincy' station where he is ordinarily posted during peace time. The additional amount will enable the Metropolitan either to obtain an Additional Clergy Society chaplain to fill the temporary vacancy in the field service post or to require an official chaplain to hold dual charge and to remunerate him therefor in accordance with Fundamental Rule 49. We have no objection to the Metropolitan's proposal and to the grant payable being fixed at Rs. 5,008. Under category (*b*) the existing grant is Rs. 1,96,992 and after careful examination of the various stations and the amounts required for them, we propose that it should be reduced to Rs. 1,67,874.

We enclose a statement (Enclosure IV) showing by dioceses the present and the proposed distribution of the composition grant and propose that the total amount payable should be reduced to Rs. 1,72,882 or say Rs. 1,72,800 per annum-half of the contemplated saving being secured during 1932-33 and the remainder during 1933-34. It is also intended that the Bishops should be able, with the concurrence of the Local Governments and Administrations, to rearrange the grants within their dioceses according to requirements. These grants will cover all expenses payable by Government towards clergymen's allowances including travelling and office expenses.

6. The net financial effect of the proposals discussed in paragraphs 3-5 above may be summarised as follows :—

Item.	Amount. Rs.	Saving. Rs.	Excess. Rs.	Remarks.
Reduction of 11 chaplaincies ... (Average pay of a chaplain being Rs. 1,055 per mensem or ... and	12,660 per annum.	1,65,660	...	This is exclusive of pensionary charges.
average expenses on account of travelling allowance passage, contingencies being ...	2,400 per annum.			
	15,060 per annum.	...	16,800	
Grants-in-aid in lieu of chaplaincies reduced. (Present ... Proposed ...	1,53,600 1.70,400)			
Composition grant for the entertainment of Additional Clergy Society Clergymen. (Present ... Proposed ...	2,00,000 1,72,800)	27,200	...	
	Total	1,92,860	16,800	

Net saving Rs. 1,76,060 or say Rs. 1,76,000.

7. We should mention here that when we had made considerable progress with this scheme of revision, we received the Report (Interim) of the General Purposes Sub-Committee of the Retrenchment Advisory Committee. In Chapter I, paragraph (5), and Chapter XX of its Report the Sub-Committee has recommended that Indian revenues should be entirely relieved of the burden of ecclesiastical expenditure in India, excepting only a grant of Rs. 1·33 lakhs on account of the maintenance of Christian cemetries, which it considers to be justified. It is unnecessary to elaborate the reasons which make this sweeping recommendation impossible of aceeptance. We have, however, in this connection taken up again an examination of the main features of our ecclesiastical administration. It is admittedly the case that a large part of the existing ecclesiastical expenditure which is classed as civil is incurred in the interests of the Army in India and it has been suggested that the necessity for expenditure on the present scale would be more effectively scrutinised if a proper proportion of the expenditure were in some manner borne upon the Army Estimates, thus giving the military authorities a more definite interest in the question. The Public Accounts Committee has also during the last few years been pressing for some allocation of the civil ecclesiastical expenditure between the Army and the Civil Estimates, and we invite attention in this connection to the Committee's proceedings for the years 1927-28 (Volume II, pages 193-194) and 1928-29 (Volume II, pages 156-158). We have been somewhat reluctant at the present juncture to embark on any question of allocation of expenditure,

but at the same time we feel that having regard to the extreme gravity of the financial situation and to the scale of retrenchment effected in many other departments, the position regarding ecclesiastical expenditure requires further condition. We have accordingly taken up as an entirely new issue the examination of the following questions in consultation with the Metropolitan :—

(1) where it is possible and desirable to separate the Army and the Civil expenditure under the head "Ecclesiastical", the control of the Army branch being vested in our Army Department, so that that Department may have a direct interest in the control of ecclesiastical expenditure;

(2) to what extent it may be possible to effect economies on the Army side by the substitution of grants-in-aid for Government chaplain or by some such expedient as the utilization of missionaries.

These questions require careful consideration and some time must elapse before the inquiry can be completed. We accordingly consider it undesirable to hold up the proposed scheme of revision which, if accepted by you, will effect substantial economies from the beginning of the next financial year. We should, however, add that we do not in the circumstances propose at present to fix any period for the duration of the proposed scheme of revision, which should be subject to such modifications as may be necessary when the further questions referred to above have been fully considered. We have in a recent discussion explained to the Metropolitan this position in which he has acquiesced. We shall address you again in this matter in due course.

8. We now desire to place before you a further point which has arisen in connection with the proposals now under consideration. The Metropolitan has suggested that the Government parsonages attached to the following churches, namely—

(1) St. James' Church, Calcutta,
(2) St. Thomas' Church, Howrah,
(3) Christ Church, Port Blair.
(4) St. Stephen's Church, Kidderpore (Calcutta),
(5) St. John's Church, Calcutta,

should be made over to the Indian Church. The present position in regard to the first three parsonages is stated in paragraph 10 of our despatch No. 2, dated the 21st/28th June 1928, from which it will be seen that these are at present occupied practically free of rent by the Additional Clergy Society clergymen who were appointed in place of the reduced Government chaplains. The parsonages are assessed to rent, but a corresponding amount of Rs. 4,488 has been added to the Block Grant to the Indian Church and this amount is recovered from the Metropolitan in the form of house rents. This procedure was adopted in order that Government should retain their title to these parsonages. The chaplaincy at St. Stephen's Church, Kidderpere, is now being brought under reduction and is to be served by a non-Government clergyman. The Metropolitan has explained that though a Government chaplain is generally posted to St. John's Church, it is ordinarily meant to be served by a grant-in-aid clergyman.

We have carefully examined the matter and we consider that in view of the obligations imposed on Government under the Indian Church Act and the Indian

Church Statutory Rules there are difficulties in the way of the permanent alienation of the parsonages in question. So long as Government have power to resume control of the Maintained Churches the parsoneges attached, to these churches will also require to be protected. At the same time the parsonages are intended to house the chaplains ministering to these churches, and we therefore see no object to granting the Indian Church the use and occupation of these personages on the following conditions:

(*i*) that the Indian Church keeps them in good and substantial repair and pays taxes therefor;

(*ii*) that Government reserve the right of re-entry in the event of the Indian Church failing to carry out its obligations; and

(*iii*) that if the churches are ever resumed the parsonages will also revert to Government.

The Metropolitan has expressed his concurrence in the above proposals which will also lead to economy in expenditure. The amount of Rs. 4,488 now included in the Block Grant will of course cease to be payable when the use of the buildings is transferred to the Indian Church. We have, therefore, no hesitation in recommending this proposal also for your favourable consideration.

9. In conclusion, we desire once more to express our appreciation of the ready way in which the Metropolitan has throughout co-operated with us in formulating this agreed scheme of revision, which we now commend for your approval. We suggest that the revised arrangements should take effect from the 1st April 1932, and we should

accordingly be grateful if you would telegraph your orders to us at the same time as they are posted.

We have the honour to be,

Sir,

Your most obedient, humble Servants.

(2)

Despatch from the Government of India, to His Majesty's Secretary of State for India, No. 15, dated Delhi, the 12th November 1925.

SUBJECT :—Separation of accounts and audit in the United Provinces.

We have the honour to forward for your consideration a copy of a letter No. 68-C. L., dated the 8th September 1924, from the Government of the United Provinces, in which they ask to be permitted to assume the responsibility for the maintenance of their own accounts with effect from the 1st April 1925.

2. The main feature of the proposal is that it involves the separation of audit from accounts. Under the existing constitution, as your Lordship is aware, the Auditor-General in India is responsible, not only for the audit of the accounts, but also for the compilation of the Finance and Revenue Accounts of India, and for the forms in which the Audit Department shall render such accounts and in which the initial accounts, on which the accounts so rendered are based, shall be maintained. The proposed scheme will make a fundamental change in this responsibility. It will still be the duty of the Auditor-General to submit the Finance and Revenue Accounts to the Secretary of State in Council but the responsibility for

their compilation will be transferred to the local Government. In the course of compilation, the account will be subjected by the Auditor-General to an audit conducted on behalf of the State in Council and the Legislative Council of the Province.

3. It will be noticed that the proposal of the Government of the United Provinces has been under our consideration for some months. We deferred our decision on the subject because we understood that the question of the separation of accounts from audit had attracted the attention of the Reforms Enquiry Committee, and we were anxious to learn the views of the Committee before formulating a final opinion. We have since received and considered the report of the Committee. As your Lordship is aware, the Committee examined this measure in connection with the development of provincial autonomy. In paragraphs 49 and 116 of its report, the majority of the Committee emphasised that the separation of provincial from central balances is an essential preliminary to any appreciable advance towards such autonomy; and in the second paragraph quoted it expressed its desire that the administrative steps necessary in order to pave the way for the advance should be taken. In Item 43 of the summary of its recommendations, it stated its conclusion by advising that, if the experiments now in progress show that the separation of accounts from audit is feasible, and if it is also found posssible to separate provincial from central balances, action should be taken in both these directions. The minority of the Committee concurred in this recommendation. In the first paragraph of chapter VII of its report, it endorsed the view that

the separation of balances must be the first big step in the development of autonomy, and observed that it would, among other measures, involve the overhauling of the entire machinery including the system of accounts and audit.

4. After careful consideration, we fully accept the Committee's unanimous recommendation on this point. We endorse the Committee's view that no sort of advance will be possible until the local Governments have accepted the responsibility for the custody of their own balances and the administration of their own resources. A change of this nature however cannot be introduced at a moment's notice. The new system must be slowly evolved, with all possible caution, and we entirely agree with the Committee that it is essential to proceed by experiment in the first instance. It must be some years before the complete separation of balances can be universally effected, and the way thus paved for any further extension of autonomy which may be considered desirable. It is perhaps unnecessary to emphasise the fact that the separation of accounts from audit in the provinces must be effected before balances can be separated. We cannot entrust to local Governments the control of their own finances until it is certain that it is possible to evolve a scheme under which they will maintain their own accounts and take upon themselves the multifarious duties of a domestic nature which are now performed for them by subordinates of the Auditor-General. Autonomy will be rudimentary indeed so long as the local Governments exercise no sort of control over the agency which carries out these functions on their behalf. The transfer of the control of their accounts to

the local Governments must necessarily entail the separation of accounts from audit. So long as the Secretary of State in Council retains any responsibility for the administration of provincial finance, it is essential that he should be assisted by an audit staff independent of the local Governments. We consider, therefore, that the immediate action to be taken in pursuance of the recommendations of the Reforms Enquiry Committee should be limited to an extension of the experiments already undertaken with a view to the separation of provincial accounts from audit.

5. It is not, however, merely as a step on the road towards the development of provincial autonomy that we advocate the separation of accounts from audit. The question had been under our consideration for some time before it engaged the attention of the Reforms Enquiry Committee; and we now desire to express our mature opinion that such separation is most desirable in itself and that it will lead to a marked improvement in the working of the constitution as it stands at present. We consider it to be just as desirable in the sphere of central as in that of provincial accounts. The question of separation was first raised in the report of Lord Inchcape's Retrenchment Committee. In pursuance of the Committee's suggestion, we appointed Mr. J. E. C. Jukes, C. I. E., I. C. S., with two assistants from the Indian Audit and Accounts Service, on special duty under our Finance Department to investigate the whole question. The experiments, to which the report of the Reforms Enquiry Committee referred, were instituted with our approval by this special staff.

6. The Retrenchment Committee's advocasion of separation was inspired by the desire for economy of

central expenditure. Its object was to obviate "the constitutional difficulties arising under the Reforms Scheme from the fact that a provincial Government can require the audit and accounts department to maintain an account for which the central Government pay." The difficulties which the Committee had in mind arise from the wording of rule 23 of the Auditor-General's rules made under section 96-D (1) of the Government of India Act. This rule requires the Auditor-General to supply to local Governments any information, derivable from the accounts which he maintains, which they may desire to have; and it has been interpreted as continuing the power which local Governments have always possessed of requiring account officers to open additional detailed heads in the accounts. The rule would undoubtedly justify a local Government in asking an Accountant General to compile figures from his accounts in an unusual manner; in order, for example to bring out the cost of some Administrative innovation. "In practice," to use the Committee's own words, "the Auditor-General appears to accede to the demands of the administrations in regard to the details to be shown in the accounts, with the result that many of the 14,000 of the detailed heads which were abolished a few years ago have been reintroduced. It is no doubt reasonable that the accounts should be moulded to fit administrative requirements, but the position is unsatisfactory in that the demands from the provincial Governments entail extra expenditure for which they have no responsibility". The Retrenchment Committee apparently considered that a separation of accounts from audit would enable the central Government either to relieve itself of certain

expenditure which it now undertakes or, at least, prevents local Governments from imposing upon it a varying and uncertain amount of additional outlay in the future.

7. In theory, the Committee's object could be achieved without any separation of accounts from audit. The constitutional difficulty could be removed by an alteration of the statutory rules which would require the Auditor-General to maintain nothing more in the way of accounts than the bare minimum required for the compilation of the Finance and Revenue Accounts and would direct the local Governments to pay for the introduction into the accounts of any further details which they might require. Payment might similarly be prescribed for the assistance in budget work which is now given, under rule 24 of the Auditor-General's rules, by certain central account offices to local Governments. This also, there is reason to believe, the Retrenchment Committee had in mind when it advocated separation. This remedy is, however, theoretical only and it is more than doubtful whether it would secure the Committee's object. Local Governments might argue, with considerable force, that the Meston Award contemplated the payment by the Central Government of the complete cost of Accountants General's offices, whatever the work entrusted to them, and that therefore, if any part of this cost were transferred to the provinces, the latter should be compensated from central revenues. This is, in effect, the argument employed by the Government of the United Provinces in the letter under consideration. Even if the local Governments were required to shoulder the burden, there would be great difficulties in estimating the cost of the services for

which the provinces must pay; and constant calculations involved would be an ever recurrent source of friction between the central and provincial authorities. Complete separation, as advocated by the Committee, would remove this source of friction; but it would, unless it were accompanied by a material change in the allocation of revenues, leaves the provinces with a strong claim to be reimbursed the additional cost thrown upon them. We conclude therefore, that neither separation of duties nor division of cost would, with any degree of certainty, effect the particular object of the Retrenchment Committee; seeing that, unless and until the division of resources effected by the Meston Award is changed, the local Governments would probably, in either case, be able to throw back upon the Government of India any extra expense which the change imposed upon them.

8. In the foregoing paragraph we have set forth our reasons for believing that a mere separation of accounts from audit, unaccompanied by a material change in the allocation of revenues, would not secure the result which the Retrenchment Committee desired to achieve. There are, however, other and more cogent argument in favour of separation. No one of these, which aims at the improvement of expenditure control, the local Government lays considerable stress in its letter. Since the introduction of the reformed constitutions, the limitation of expenditure with reference to appropriations has for the first time become a matter of real importance in India. In former years, the allocation of grants was a function performed by the Finance Department, and a head of a Departmeet who exceeded his grant could rely as a matter of course upon

an additional allotment. Now that supply is voted by the legislature and a demand granted may not be exceeded without the formal consent of that body, the position is very different. It is essential that the responsibility for excesses should be placed upon definite officials, who will answer for their actions to the Committee on Public Accounts. Demands for grants are ordinarily made on a departmental basis, and the obvious person to assume responsibility for the expenditure from a grant is the head of the department to which it relates. Under the present system it is very difficult to impose such a liability upon the heads of departments. They complain, not without reason, that the existing arrangements do not keep them sufficiently in touch with the progress of their expenditure to enable them to assume responsibility for it. Their accounts are ordinarily kept for them, at a considerable distance, by a staff in no way subordinate to them, and are compiled by such a method that copies of the accounts cannot be made available to them until at least two months after the completion of the expenditure which they record. Before rcsponsibility can be enforced heads of departments must be brought into her closer touch with their accounts. The local Governments argue that the best method of securing this touch is to require heads of departments to compile their own accounts in the form in which they will ultimately be incorporated in the Finance and Revenue Accounts; or, failing this, to have the accounts compiled under the eye of the heads of departments concerned.

9. Here again we recognise that the separation of accounts from audit, though perhaps the most desirable, is not the only possible way of efiecting the object in view.

There are other possible methods of keeping heads of departments informed of the progress of expenditure from their grants. On the suggestion of the Auditor-General in India, several local Government are already experimenting with a system which requires disbursing officers and heads of departments to maintain departmental records of their expenditure, quite apart from the formal accounts compiled in the office of the Accountants-General. It is too early as yet to judge of the success of these experiments, although they have been under trial in two provinces during the whole of the past financial year. Experience gained up to now suggests that the system of duplicate accounts is likely to break down owing to the difficulty of reconciling departmental figures with those of the official accounts. This has certainly been the case in the United Provinces and the Punjab, where the system has had twelve months' trial, but it is possible that results may improve when the officers and establishments concerned have acquired greater familiarity with the new procedure. Whatever their success, these experiments are open to the theoretical objection that duplication of accounts, unlike duplication of audit, is a most uneconomical object of expenditure. Another experiment, which is being undertaken in connection with Mr. Jukes' inquiry, contemplates the speeding up of the progress of compilation of accounts in the Accountants-General's offices. In certain sections of the account office at Allahabad, the accounts are being compiled from the beginning on a departmental basis, instead of on a district basis as hitherto, and audit is being postponed until compilation is completed. It is hoped with this system, it will be possible to supply controlling

officers with sufficiently accurate accounts of their expenditure at a far earlier date than has up to now been possible. It is, however, essential under this scheme that the classification of charges should be made by disbursing officers. The audit of classification is, like other audit processes, postponed until after compilation; and a considerable degree of accuracy in original classification will have to be achieved before the system can prove of real value. Finally, we must refer to the accounting system which is now in force in the case of the Indian Stores Department. In the case, an officer of the Indian Audit and Accounts Service, with a small staff has been deputed to work in the office of the department, working as a subordinate of the Auditor-General, he pre-audits all bills, pays them by cheque and brings them finally to account. As a result, the Chief Controller of Stores is in a position to exercise complete control over the progress of his expenditure, while he reaps the advantage of receiving financial advice from a highly competent source. If a similar system could be introduced for all departments of the local Governments, the requisite control would be possible without any separation of accounts from audit.

10. The desirability of the reform we advocate is, however, further supported by the improvement of audit which may be expected to result from it. The Government of the United Provinces recognises the existence of this argument, but is naturally not in a position to develop it. Under the present system, audit and account work is from the beginning closely intermingled. The officers of the combined staff not only perform the greater part of the compilation of the accounts; they also exercise at

various stages all those checks which would, if account and audit were separated, be applied as internal checks by the accounting staff. This involves a complete check of arithmetical accuracy, as well as of such aspects of regularity of expenditure as the adequacy of vouchers and the observance of local rules delegating the power of sanctioning expenditure. There is good reason to suppose that an audit staff which is cumbered with this mass of routine and mechanical duties is unduly hampered in its performance of higher audit functions. Amid a super-abundance of details sight of principles is apt to be lost. If the audit staff were to a great extent relieved of mechanical duties of this kind, its energies could be directed into more profitable channels and the efficiency of audit could undoubtedly be increased. We would mention, as one direction in which progress is both possible and desirable, the extension of local audits and inspections. The Public Accounts Committee of the Legislative Assembly has recently drawn attention to the increase in the number of defalcations and irregularities in the Civil and Military Departments, and has observed "that the value of proper local inspections by the administrative and audit authorities should not be under-estimated and that economies resulting in the reduction of such inspection tend to defeat their own object." We endorse this view, and consider that an extension of local audits would produce valuable results. Not only would it operate to prevent irregularities on the part of subordinate officials; it would also facilitate the application of audit checks to initial records, in the absence of which much of the check exercised from headquarters tends to become purely formal in

character. The argument developed in this paragraph applies, though with possibly less force, to the head of the combined department himself. If the Auditor-General were in a position to devote to the perfecting of audit processes that great proportion of his time which is now mortgaged to his ultimate responsibility for the compilation of the provincial accounts and the administration of an enormous departments scattered all over India, the result might well be a considerable improvement in the efficiency of audit.

11. Again, there can be no doubt that the concentration in the same hands of the two functions of compilation and audit operates to the detriment of the latter. Compilation must be completed by fixed dates in each month and, if there is any pressure, audit is necessarily sacrificed. Failure to compile by the due date is at once apparent; failure to audit can be detected only if the review of work by a superior officer happens to reveal a mistake which the auditor might have noticed had he fulfilled his audit functions. In the one case detection is automatic; in the other it may often be escaped. As a result, it is natural that audit should be the sufferer. It not infrequently happens that an Accountant-General is required to put together voluminous statistics for incorporation in a reply to a question asked in the legislature or for some similar purpose. A task of this kind leads to the temporary concentration upon the work of the energies of a considerable proportion of the account office staff; and when it is completed arrears of ordinary work can only be overtaken at the expense of audit. If audit were completely separated from accounts, it would be quite

certain that its interests were not being sacrificed to those of compilation. Again, as the local Government points out, it is not only by its interest in compilation that audit is hampered under the present system. A great part of the time of audit officers is occupied in certain provinces by the work imposed upon them in connection with budget estimates, and in all provinces by the necessity of replying to very numerous unofficial requests for advice made to them by provincial Finance Departments. These activities not only consume time which might otherwise be profitably allocated to audit work proper; they also tend to fetter the Accountant-General in his fulfilment of his audit functions. An officer who helps a Government to prepare its budget may not unreasonably be biased in favour of his own figures, and may at times fail to bring a judicial mind to bear upon questions of classification. Advice given in general terms on unofficial references may operate to tie the hands of an Accountant-General when particular expenditure, in all its actual relations, comes up for audit. In many respects, therefore, it appears to us that the efficiency of audit would gain if it were entirely divorced from accounts.

12. In addition to the practical improvement of audit which we expect to result from separation, there is an argument of principle to which we attach special importance. It is an argument to which more and more weight must necessarily be given as self-government become progressively realised in India. This argument is theoretical desirability of keeping the audit staff from participation in the work of administration. An audit officer should, in theory, be a critic of the complete work of completed work

of others. He should be in a position to take detached and independent view of every problem presented for his consideration. If he descends from his pedestal to take part in administration, whether by giving financial advice to the executive or by pre-auditing bills submitted for payment, his independence as a critic must suffer, and his value as a constitutional safeguard for the detection of irregularities must be impaired. The defect may seem theoretical, but there is in practice a very real danger that an auditor who is closely identified with the financial administration of a department will tend to take a departmental, rather than an impartial view of the departments' proceedings. If his functions were those of a critic of a completed work only, this danger would not arise. This objection of principle applies with full force to the system of accounts and audit now established in the Indian Stores Department.

* * * *

14. Having thus sketched the argument in favour of the separation of audit from accounts, we desire definitely to recommend that a complete experiment on the lines suggested by the Government of the United Provinces be undertaken. As already shown, we hold that such a separation is an essential preliminary to any advance in the financial autonomy of the provinces; we are convinced that it will increase both the theoretical independence of audit and its practical efficiency; and, as we shall proceed to indicate we consider that it will enable us to introduce a system of accounting which will afford the means of securing efficient control over expenditure. At the same time, we are entirely in agreement with the obvious desire

of the Reforms Enquiry Committee to proceed cautiously in this matter, and it is for this reason that we have described the proposed innovation as an experiment. We would definitely treat it as an experiment, which may be discontinued in case of failure, although we have every reason to expect its success.

15. The complete scheme of separation, which is explained in the appendix attached to this despatch, has been worked out by Mr. Jukes and his staff in consultation with the Government of the United Province. It differs in details from the scheme originally submitted by the local Government, having been modified in certain respects in the light of the results of further investigations and of the experience gained from the experiments which we shall describe in a later paragraph. We would explain that the proposed system of accounting is modelled, in the main, on that in force in the Indian Stores Department, which has been briefly described in paragraph 9 above and which in itself follows in many respects the British system. Whereas, however, the accounting staff in the United Kingdom is a purely departmental staff, and in the case of the Indian Stores Department is subordinate to the Auditor-General, we propose to place the offices in the United Provinces, at the outset at any rate, under the control of the provincial Finance Department. There are several reasons for this decision. We consider that both on grounds of economy and with reference to the present stage of Indian political development, it is proper to entrust the maintenance of accounts to the Finance Department, which, under devolution rule 37 (*e*), has considerable responsibilities in this connection. The

accounting staff must consist of trained accountants, transferred in the first instance from the Accountant-General's establishment. If control is to be departmental, it will be necessary to provide a separate account office for every department, however, small. Under Finance Department control, the accounts of several minor departments can be handled in a single office, thus saving considerable expenditure upon supervising staff. Again, control by the Finance Department will facilitate the provision of funds to meet the cost of the account office. It will be possible to present a demand for a grant for accounts as a single demand, made by the Finance Member, for expenditure upon a reserved subject. If the account offices were entirely departmentalised, the accounts of departments dealing with transferred subjects must be financed out of grants voted for transferred subjects. It might well be that the provision for accounts in a demand for such a grant would be reduced by the legislature. If that occurred, there would be no constitutional means of restoring the provision, and the Finance Department would not be in a position to fulfil its responsibilities under devolution rule 37 (*e*). It is for these reasons that we suggest that the account offices should, in the first instance, be controlled by the provincial Finance Department. We recognise that this may prove to be more than a transitional stage, and that, in the fulness of time, political developments may make it desirable to hand the accounts over entirely to departmental agency.

16. We propose, therefore, that the account offices should at the outset be manned in the main by a staff

transferred from the Accountant-General's establishment to the control of the provincial Finance Department. Some dilution by new recruits, will, of course, be necessary, as the existing strength of the Accountant-General's staff will be insufficient to provide complete *personnel* for both the account and the audit offices after separation. If the experiment proves successful and the responsibility for the maintenance of its own accounts is definitely fixed upon the local Government we expect that this staff will be absorbed into a provincial account service which will be recruited, posted, promoted and, where necessary, punished by the provincial Finance Department. In order, however, to bring home to the heads of departments their ultimate responsibility for the control of their own expenditure and of the accounts which record it, we intend to give them the power of imposing their orders upon their accounts officers in any matter connected with expenditure or accounts. In case of a difference of opinion, an account officer will be entitled to demand written orders, but, having received them, he must obey them. It will be arranged that such written orders shall be brought forthwith to the notice of the audit staff. If any head of a department is frequently absent from headquarters on tour, he will be permitted without surrendering his own ultimate responsibility, to delegate the power of passing such orders, during his absence, to some subordinate officer posted at headquarters. We consider that a system of this kind will meet all requirements in the case of a large department served by its own account branch working under its own roof. We are, however, a little doubtful as to the adequacy of the facili-

ties for the control of expenditure which it will afford to the head of a minor department which shares an account staff with several others: and, consequently, as to the possibility of enforcing complete departmental responsibility in such a case. This is a feature of the experiment which we shall watch with the greatest interest.

17. We are aware that the system which we propose to follow will not place any office of a department in the exact position occupied by an "accounting officer" under the British constitution. As we have already indicated, we are anxious to provide heads of departments with the means of exercising adequate control over their expenditure; but it may fairly be argued that it will not be reasonable to hold the head of a department entirely responsible for expenditure which is incurred and brought to account by an official who is, in many respects, not under his administrative control. We recognised that the system will entail some division of responsibility, but we do not anticipate that this will lead to any practical difficulty. Every payment of money on Government account involves three principal processes. There, is, firstly, the submission of a claim; secondly, the disbursement of the money claimed; and finally, the incorporation of the transaction in the accounts. So far as the claim is concerned, the responsibility must be almost entirely departmental. Omitting from consideration certain book adjustments, very claim will be submitted, in the shape of a bill, by an administrative officer of the department. In the case of certain important classes of expenditure, the existing procedure requires that bills should be countersigned by the head of the department himself. This requirement

will, of course, continue; and we consider that it should always be open to a departmental chief, if he is expected to assume responsibility for the propriety of departmental claims, to demand any extension of the system of countersignature which he may think to be desirable. Further, the services of his accounts office will be entirely at his disposal, and he may, if anxious for an additional safeguard, direct that bills should be examined in that office before coming to him for countersignature. In these circumstances, it appears to us to be in no way unreasonable to hold the head of the department completely responsible for the propriety of claims made by departmental officers. The position as regards the honouring of claims is different. Payment will be made by the accounts officer and, if he honours an improper or erroneous claim, he must, unless his action is the result of specific orders from the departmental chief, answer for it to Government and to the tax-payer. Whether blame does or does not attach to him will depend upon the circumstances of the particular case. The remaining process is the compilation of the accounts. Here also, unless the accounts officer has, in any case, been specially over-ruled by the head of the department, he must accept complete responsibility. He is answerable that the accounts are correctly compiled and that they accurately represent the nature of the facts recorded in them. The head of the department, on his side, will be entitled to presume the accuracy of the audited accounts and to act upon this presumption in controlling the expenditure from his grants. He may, of course, challenge the accuracy of individual entries in the

accounts, and he will have ample opportunity of doing so. If his department enjoys the full-time services of an accounts officer, the accounts will be kept under his own roof and he will have unrestricted access to them. If, on the other hand, his is merely one of several departments served by a single accounts officer, the latter will still in almost all cases be located quite close to his office, and access will be equally easy. In either case, he will receive copies of his audited accounts monthly. He will thus have every opportunity of challenging the accuracy of individual items. If he fails to do so, he will not be entitled to allege inaccuracy of the accounts when called upon to answer for inadequate control over his budget grant. We have analysed at some length the degrees of responsibility pertaining to the two parties concerned in the various stages of each payment of Government money, in order to make quite clear the division of responsibility which we contemplate. As already stated, we do not expect that this division will lead to any practical difficulty. It should be a comparatively easy task to apportion responsibility in individual cases. When the Committee on Public Accounts desires to investigate an irregularity of importance, it will doubtless become the practice for both the head of the department and his accounts officer to appear before the Committee; and the resulting inquiry will fix the onus of blame, if this is in dispute.

18. Mr. Jukes and his special staff have already instituted a number of experiments with a system of the kind proposed. Two big departments of the United Provinces Government have throughout the past year

been maintaining their own accounts. The officers in charge of the account branches have been departmental officers; and have been regarded as responsible, not to the provincial Finance Department, but to the Finance Department of the Government of India as represented by the special staff. It was not found possible to follow in all respects the procedure adopted in the Indian Stores Department. So great a mass of payments falls due at the beginning of each month that it was considered doubtful whether all of them could be made by cheque without serious delay and administrative inconvenience. It was accordingly arranged that, as a commencement, such recurring charges as the pay of officers and establishments and expenditure from contract contingent grants should be met by encashment of bills at treasuries as heretofore. The bills, after encashment, were forwarded by the treasury officers to the departmental accounts offices; where they were subjected, before compilation of the accounts, to precisely the same scrutiny which was previously conducted in post-audit by the Accountant-General's staff. All other bills, including those for all fluctuating charges, were submitted to the account office, where they were carefully checked and, if the claims were admitted, were paid by cheques drawn upon treasury officers and were then brought finally to account. The proceedings of each account office, in respect both of bills cashed at treasuries and of bills paid by cheque, were subjected, on behalf of the Auditor-General, to a concurrent testaudit by a small staff located in close proximity to it. The extent of the test-audit was in this experimental stage, no less than that of the post-

audit previously performed by the Accountant-General's establishment. We would mention here that the difficulty of paying all bills by cheque was found to have been overrated, and that it proved possible before the end of the financial year to introduce complete cheque-payments in the case of the Department of Education, which is one of the two departments concerned. In the Police Department administrative considerations compelled regard to the danger of delay in the payment of establishment; and the permanent charges of that department are still being met by the encashment of bills at treasuries, pending experience of the success of the change of system in the Department of Education.

19. The other experiments initiated by the special duty establishment related to accounts of the central Government, and none of them was in force for more than a part of the past financial year. Under all these experiments, with one exception, the accounts were entrusted to establishments controlled by our Finance Department, though here also the head of the department was given power to over-rule his accounts officer if he desired to do so. The single exception was the case of the accounts of the New Capital at Delhi, which were at first, together with the expert staff which compiled them, handed over completely to the control of the Chief Engineer, and were subjected to audit by an independent staff under the Auditor-General. We were particularly anxious to make this experiment, which came far closer to the system in force in the United Kingdom than the scheme which was under trial in the United Provinces. The arrangement did not, however, in the peculiar circumstances of the

New Capital, prove entirely satisfactory, and we have recently approved of a change which has brought the accounts staff under the immediate control of the representative of the Finance Department on the New Capital Committee; thus assimilating the procedure to that which is in force for military accounts in India. Of the remaining experiments, one was made in connection with the transfer of the Accountant-General, Central Revenues from Calcutta to Delhi. The accounts of a number of central departments in Calcutta, which had hitherto been maintained by that officer as well as those of certain departments whose headquarters were neither in Calcutta nor Delhi, were removed from his control and entrusted to two Pay and Accounts Officers set up in Calcutta for the purpose. With a very few exception, such as the charges of field-parties of the Survey of India working in remote parts of the country, universal cheque-payments were found to be possible. The results of these experiments should supply valuable evidence of the feasibility of adequate control over expenditure in cases where the accounts of a number of small departments are kept in a single office or where the headquarters of the administrative offices are located at a distance from that of the office. A third Pay and Accounts Office was established in Calcutta to take over from the Accountant-General Bengal the Accounts of departments controlled by the Central Board of Revenue. A development recently sanctioned has converted this office in an account office for the Customs Department alone, and will, it is hoped, be accompanied by an extension and improvement of the audit of Customs revenue. Two other experiments,

instituted in Bangalore and Delhi, are designed to test the feasibility of combining the control of accounts in small stations where neither function involves very heavy or complicated duties. Finally, in order to be ready for the introduction of a complete experiment in connection with the United Provinces accounts, a central Pay and Accounts Office was set up in Allahabad which has, since October last, handled the accounts of all central transactions in that province, subject to test-audit by a special audit staff.

20. In view of the fact that the experiments with central accounts have been working for less than a year, we are not yet prepared to express a decided opinion as to their success or failure. We can, however, definitely state, with the possible exception of the Central Board Office in Calcutta prior to its reorganisation, the new offices have functioned to the satisfaction of the heads of departments concerned, who have received monthly accounts of their expenditure at a far earlier date than they ever received them from the Accountant-General's office in the past. The two departmental offices in the United Provinces have been in operation for a full year, and we have had the advantage of perusing a report upon their working submitted by the audit officer in charge. We have no hesitation in claiming that they have achieved a distinct measure of success. The accounts have been compiled with greater speed than before and with at least as great accuracy, the departmental chiefs have received valuable financial assistance from their accounts and audit staff by untrained men; since the two offices received from the Accountant-General. The range of rules and regulations

to be studied in a departmental office is far more narrow while the increase of gazetted supervision and the constant contact with the concurrent audit staff cannot but accelerate the education of a novice. On the whole, we consider that the results of the two departmental experiments in Allahabad give reason to believe that complete separation in the United Provinces upon the lines followed for those two offices offers every hope of success.

21. We therefore recommend that a system on somewhat similar lines should be experimentally introduced for the whole province. We do not propose to adopt the experimental offices as an exact model. The departmental officers who control the account branches have rendered excellent service, but we see a balance of advantage in entrusting such work in future to assistant account officers transfered from the Accountant-General's establishment. Again, we propose to extend, in the greatest possible decree, the system of payment of claims by cheque and to reduce to a minimum the cases in which bills are cashed at treasuries. With these two exceptions, we desire to create account offices for the various departments of the local Government on the general lines now experimentally followed in the Police and Education Department account offices. In addition, there will be a head provincial account office, which will be an integral part of the provincial Finance Department and will perform functions, such as the handling of exchange accounts, the final consolidation of accounts compiled in the departmental accounts offices, and the like, which cannot be delegated to the departmental offices. To control this portion of the work, we expect to lend to the

local Government the services of an experienced member of the Indian Audit and Accounts Service, who will be given the status of a deputy secretary and will perform duties analogous, in many respects, to those of a junior Treasury Officer of Accounts in the British constitution. For audit proper, we intend to maintain the procedure now followed in the Police and Education Department offices. In this connection, we agree with the Auditor-General that, in these experimental stages, a fairly full testaudit of the work of the account offices is eminently desirable, and we, therefore, propose to treat him liberally in the matter of staff.

22. The introduction of the proposed scheme will necessarily involve an increase of expenditure. All claims will be scrutinised in the new account offices to the full extent to which they have hitherto been examined in post-audit by the Accountant-General's staff. Indeed, in certain cases a percentage audit will be replaced by a full scrutiny. This entails the deputation to the new account offices of establishments little, if at all, inferior in numbers to those now employed on the combined work of compilation and audit. In addition, provision must be made for the new work of cheque writing. The cost of the new test-audit will be additional burden. The experiments in force in the United Provinces, have, however, already shown that this duplication of audit processes is far from being entirely unremunerative. Its effect upon certain items of expenditure bids fair to be considerable. The estimated cost of complete separation has been calculated in enclosure 3 to this despatch, which gives separate figures for a permanent scheme of separation and

for an experimental introduction in the coming financial year. It is with the latter that we are primarily concerned. It will be seen that we estimate the gross cost of the experiment at approximately Rs. 2,21,000; but a considerable sum will be saved to the local Government by certain changes in the organisation of their treasuries which they propose to introduce in connection with the experiment. We do not consider this to be an extravagant price for the advantages which we expect to derive from the experiment.

23. The proper incidence of the cost of the experiment is a matter to which we have given careful consideration. As the Government of the United Provinces point out, the schedule to the devolution rules classes as a central subject "the Indian Audit Department and excluded Audit Departments as defined in rules framed under section 96—D (1) of the Act." This amounts to a declaration that the central Government should pay for all work done by the combined audit and accounts service, whatever that work may be. So long as that service is responsible for the compilation of the accounts, the Government of India must pay for the compilation. If, however, compilation were transferred to a provincial agency, the entry in the schedule would cease to govern the case; and there would be nothing inconsistent with the devolution rules in requiring the local Government to pay. On the other hand, it may be argued that the financial relations between the central and local Governments, as embodied in the reformed constitutions, definitely contemplate that the Government of India will continue to finance such account work as it performed

when the reforms were introduced. It was with reference to the existing liabilities for the cost of particular services that the existing distribution of resources was made. The entire expenditure of India, whether central or provincial is met by the Indian tax-payer; and the distribution of the proceeds of taxation is so arranged as to enable each Government to finance the services which it is at present required to undertake. If, therefore, it may be argued, services are redistributed as between the central and provincial Governments resources also must be redistributed. While we do not consider this argument to be unanswerable, we think that the broad view should prevail. There is no doubt that there are certain features of the existing constitution which are entirely inconsistent with complete provincial autonomy. The central Government enjoys the use of certain resources, such as the balances of deposits accruing in connection with the administration of provincial subjects, which it would not enjoy if local Governments were autonomous; on the other hand, it performs certain services of the provincial Governments, such as the compilation of accounts, which an autonomous province would perform for itself. Similarly, by permitting to the central Government the use of their treasuries, the local Governments perform for the Government of India a service which an autonomous local Government would not be expected to perform free of charge. We do not consider that it would be equitable to remove an anomaly which operates to the advantage of the provinces, while retaining those which operate in the other direction. We are therefore prepared, even if accounts are separated from audit, to continue to bear a

reasonable propotion of the cost of provincial accounts until such time as local Governments secure the use of provincial deposits and are paid for the services rendered by their treasuries. We agree with the Government of the United Provinces that a maximum increase of two lakhs of rupees in the cost of accounts and audit combined may be taken as a reasonable figures for this purpose.

24. We have considered the best method of administering the new grant for accounts during the experimental period. We would advise that, from the ordinary provision in the central budget for audit in the United Provinces, there should be subtracted a sum sufficient to defray the cost of audit under the new system and of such central accounts as are now compiled in the Accountant-General's office. This sum will be incorporated in a central demand for audit. The balance of exceeding provision together with an asignment, not exceeding two lacs, towards the cost of the new provincial accounts system, we should have preferred to place at the disposal of the local Government for expenditure upon accounts as a subject declared to be provincial under item 51 of Part II of Schedule I of the Devolution Rules. We have, however, consistently maintained the opinion that it is contrary to the provisions of the Government of India Act for the Government of India to make a grant of money to local Government for the purpose, express or intended, of financing the administration of a provincial subject. We therefore find it necessary to fall back upon the alternative suggested in paragraph 7 of the local Government's letter. We shall include the necessary provision as part of the grant for the

Finance Department under the demand for General Administration, and shall then require the Governor in Council to act as the agent of the Central Government in the maintenance of provincial accounts. Under devolution rule 47, the cost of the establishment employed upon the work will be a charge against central revenues; but if, as we expect, that cost exceeds the present cost by more than two lakhs, there will be no constitutional objection to the acceptance from the local Government of a contribution covering the amount of the excess. This service of the necessary *personnel* from the Accountant-General's staff will be lent to the local Government while the experiment continues, under certain agreed safeguards as to conditions of service and emoluments. The conditions of the agency will be so framed as to leave to the Finance Department of the local Government the administration of the new system, but the assistance and advice of Mr. Jukes and his staff will be made freely available to the local Government.

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26. Apart from the intrinsic importance of the proposed experiment, it requires the sanction of your Lordship in Council because it involves what in effect amounts to a subvention from central to provincial revenues. We would therefore ask your Lordship's approval to its introduction in the coming financial year, at a maximum cost to the central Government of two lakhs, provided that the Legislative Assembly votes the necessary funds.

27. Realising that your Lordship will desire to know what view of our proposals is taken by the substantive Auditor-General in India, who has throughout been closely in touch with our current experiments and with all

the proceedings of Mr. Jukes and his staff, we shewed the present despatch to him and invited him to record his opinion upon the scheme which it advocates. We append a memorandum which he has written in response to that invitation. We would invite particular attention to paragraph 19 of the memorandum, in which Sir Frederick Gauntlett summarises his views and states, in effect, his considered opinion that an experiment, on the lines proposed is desirable and that its cost is not excessive.

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29. A considerable amount of preliminary work will be necessary before the scheme can be brought into effect from the 1st April next, and we should therefore be very grateful for an early reply to this despatch. A reply by cable would be welcomed.

CHAPTER VIII.

MEMORIALS

Memorials, specimens of memorials.

Memorials are statements of facts as basis of petition. Some specimens are given below :—

Specimen 1.

To

His Excellency The Right Honourable
EDWARD FREDERICK LINDLEY WOOD,
BARON IRWIN, OF KIRBY UNDERDALE,
P. C., G. M. S. I., G. M. I. E.,
VICEROY AND GOVERNOR-GENERAL
OF INDIA.

Through .....

The humble memorial of————
————————, an Assistant in the Clerical Establishment of the Office of the
.....

Most respectfully Sheweth,

That ever since the grant of the revised time-scale of pay of Rs.....with effect from 1st March, 1924 sanctioned in.....letter No.....dated the.....your Excellency's humble memorialist is feeling that due justice has not been done to his claims, as the revised scale fell far short of that which could afford him adequate relief and is quite out of keeping with the responsibilities he is entrusted with.

2. That the rigid application of Fundamental Rules 22 and 23 in fixing his initial pay under the revised scale not only deprived your humble memorialist of the benefits of his past service, but even the difference of Rs.....

between the old and the new minimum could not be granted to all with the result that the old servants who were untiring in their efforts to maintain the prestige and efficiency of the office were not relieved of the pecuniary distress under which they were labouring at the time of the said revision. In this connection, Your Excellency's humble memorialist respectfully solicits a reference to the Government of India, Home Department Memoranda No...dated.....in which while, fixing the initial pay of certain officials of the attached offices of the Government of India Secretariat, the inadequacy of the benefit accruing by the operation of these rules was recognised.

3. That the inadequacy of the relief afforded by the revised scale of pay to the older incumbents of the clerical service to which your Excellency's hnmble memorialist belongs is further illustrated by the fact that men with more than 8 years of service on 1-3-1924 can never expect to reap the benefit of the maximum pay even if they are so fortunate as to put in full 30 years loyal service as shown below :—

Pay of a clerk with 8 years' service on 1-3-1924 in 40-4-150 Grade..... Rs. 72.

Pay admissible under new scale on 1-3-1924...Rs. 74.

Pay admissible after 22 years continuous service under the present scale...Rs. 195.

This clearly indicates that the fixing of the maximum at Rs.....with lower rate of increment at a higher stage has entirely failed to give him any relief. The Government by fixing a lower rate of increment at a higher stage of service have, so far as older members of the service are concerned, taken away with one hand what

they gave with the other by raising the maximum to Rs. 200.

4. That the heart of your Excellency's memorialist is filled with despair all the more when he finds that he has been given the same scale as sanctioned for clerks in some of the other.....Offices in India as for instance .....and Accountant-General,.....although the cost of living at Lahore is much higher than that at Delhi and does not under any circumstances compare less favourably with that obtaining at Calcutta, Bombay or any other big city in India.

5. That the revised scale has the inherent defect of awarding the lower rate of increment at higher stages, when your Excellency's humble memorialist is not only faced with higher demands on account of the natural increase in the number of his family and other social and economic responsibilities, but also has to perform more important and responsible duties in the office. This innovation is quite peculiar to the.....Offices and does not exist in any other establishment throughout India.

6. That while there has been no appreciable increase in his emoluments, the duties and responsibilities of your Excellency's humble memorialist have greatly increased. Every day greater emphasis is being laid on the desirability and necessity of a more enlightened audit and accurate accounting. His work has become far more intricate owing to the bewildering multiplicity of rules and orders attempting to embrace all the changes brought about by (1) the Reform, (2) the delegation of powers to local

Governments to determine the condition of service of officers under their control, (3) the grant of various concessions to the Executive, Gazetted and non-Gazetted Government servants and (4) the increasing desire for commercialization of accounts and various other audit activities. A close scrutiny of the application of the Rules and excrcise of the numerous powers possessed by various authorities subordinate to the Government of India and the Local Government has also been enjoined with a view to protect the interest of the tax payers. The figuring work which your Excellency's humble memorialist has to deal, is also to a large extent technical, tedious, important and responsible and causes its very nature a serious strain on thc brain and constitution. His duties and responsibilities there compare favourably with the Assistants in the Local Secretariat and other local heads of offices whose scale of pay is much higher as shown below :—

Assistants in the Civil and P. W. Secretariats	120-10-300
Assistants in the Financial Commissioner's office	100-10-300
Assistants in the office of the High Court of Judicature	100-10-300

7. That the conditions of living, which were very acute a decade ago have been further accentuated by the progressive scale of expenditure in several directions amidst the environments of modern life such as costlier education of children, and increase of medical expenses, etc., with the result that in the present state of his financial embarassment, he can neither feed nor educate

his children properly and according to the standard required by the times, nor can afford in case of sickness in the family which is rather frequent, the benefit of advice from efficient doctors, nor can discharge his principal liabilities of life in a manner befitting his position in society.

8. That your Excellency's humble memorialist has to work in an office located at the principal town in the .....where house rent it very high, and the problem of house accommodation has reached a stage in which it is impossible of solution for him since the small margin of his income, left after attending to the bare necessaries of life, can hardly secure for him a house suitable for his habitation. In view of the fact that suitable house accommodation is the sanitary *sine quo non* of living he is compelled to part with a substantial portion of his income to secure such accommodation at the sacrifice of other essentials of life. Owing to financial difficulties he is forced to live in congested dwellings amidst insanitary surroundings which reacts very unfavourably on his health and that of his family. To remedy this outstanding grievance the Government of India and the Local Governments have provided suitable quarters for their subordinates, the benefits of which are denied to clerks of the Central Government serving at Provincial Headquarters. The necessity for the grants of suitable house rent allowance in the capital towns was recognised by the .....so far back as 1925 and the grant of the same was withheld owing only to the financial conditions of the country at the time.

9. In conclusion your Excellency's humble memorialist prays :—

(*i*) that the time scale of pay may be revised to Rs. 80-8-200-10-300 with efficiency bars at 160 and 200 withe effect from 1-3-29.

(*ii*) that as in the case of many other revisions the entire pay of the memorialist be so fixed as to give him an increase of pay of at least 20% of his present pay.....vide letter.....from the.....

(*iii*) that in addition to the time scale of pay as proposed above he may be provided with suitable quarters at Government expense similar to those supplied by the Local Government to their clerks, and until such time as suitable quarters are not built, a house rent allowance at the following flat rate may kindly be sanctioned in order to compensate him for rents prevailing at..... :—

For clerks drawing pay not exceeding

Rs. 100/-=Rs. 5/- P. M.

For those drawing in excess of

Rs. 100/-=Rs. 10/- P. M.

For which act of kindness your Exeellency's humble memorialist will as in duty bound ever pray.

Office of the_____

_____

_____

*Dated*_____

To

Specimen 2.

His Excellency the Right Honourable
FREEMAN FREEMAN-THOMAS,
EARL OF WILLINGDON,
G. M. S. I., G. C. M. G., G. M. I. E., G. B. E.
VICEROY AND GOVERNOR-GENERAL
OF INDIA.

Through .....

.....

The humble memorial of _____
_____an Assistant of the Office of.....

Most respectfully Sheweth,

That he took an advance of Rs. in from Government for building a house for his occupation in.....where he is actually serving. With effect from the advance is being recovered from him in monthly instalments of Rs. equal to one forty-eighth part of the total advance in terms of the instructions laid down in Article 155 (*a*) V of the Civil Account Code volume 1.

2. That the advance was taken to mitigate the hardship caused by recurrent payments of heavy amounts in the shape of house-rent which is exceptionally high in Lahore, which besides being the headquarter of the Provincial Government is a prominent educational and commercial centre.

3. That the advance was received at a time when there was no likelihood of such a drastic action as 10% cut in pay of Government employees. At that time the Government was not convinced that their financial

difficulties were of so permanent and abiding a nature as to necessitate the immediate introduction of such measures as uniform cut in salaries which must in certain cases operate hashly. As far back as February 1931, the Hon'ble Finance Member considered that financial emergency could be met by increase in income-tax on all classes. While deploring even the severity of the enhanced income-tax, he believed that the *enchanced taxation* had been regulated as far as possible in proportion to the Government Servant's *ability* to make the sacrifice.

4. That 10% cut over and above the higher rate of income-tax charged with effect from the beginning of the current financial year and supplemented by fresh direct and indirect taxation levied during the course of the year under the provisions of the Supplementary Finance Act has fallen on Your Excellency's humble memorialist like a bolt from the blue. With the slender resources at his command, and the multifarious obligations that he has incurred in the normal years in way of Life Insurance, house building and G. P. Fund advances, etc., it is practically impossible for him to make both the ends meet. This 10% cut has, therefore, come like the last straw that would break his back.

5. That your Excellency's humble memorialist realises fully well that your Government were forced to resort to 10% cut in pay in the interest of the national emergency and that it is of uniform and temporary nature, he most humbly submits to the decision. But in order to relieve him of the exceptional hardship inflicted on him at the time of his adverse financial resources, when he generally gets less than 50% of his gross pay, Your Excellency's

humble memorialist prays that the instructions laid down in Article 155 (*a*) V of the Civil Account Code Volume 1 may kindly be so amended in his case as to enable him to refund the amount of his house-building advance in 72 instalments instead of 48 as at present done. This will in no way affect the interest of Government but slower recovery with lesser amounts of monthly instalments shall go a long way to help Your Excellency's humble memorialist in keeping the wolf out of the door.

LAHORE Office of the.....

Dated the

Specimen 3.

To SIR.....

K.C.I.E., C.S.I., C.I.E., I.C.S.,

.....

NEW DELHI.

(THROUGH PROPER CHANNEL),

SIR,

The humble memorial of ——— a temporary / an officiating clerk in the office of the.....Lahore, most respectfully sheweth :—

1. That at the time of separation of the Audit and Accounts Office.....39 permanent posts of clerks along with an equal number of men were surrendered from the office of the.....Instead of sending all the 39 permanent clerks, 30 permanent and 9 temporary hands were transferred to.....Office.

2. That this arrangement resulted in excess over the permanent strength of this office by 9 permanent hands—to regularise which 9 supernumerary posts were created.

3. That it was further ordered that these supernumerary posts would be wiped off one by one as the turn for pro-forma confirmation of the marginally noted 9 temporary men actually transferred to.....office arose on the.....cadre.

4. That in view of the orders promulgated with your letter.....the.....has decided that "the revised communal percentages should be observed at the time of confirmation of the 9 men whose names are borne on our list pro-forma for confirmation" and that in accordance with this decision in actual practice the pro-forma confirmation of any one of the said 9 temporary Hindus (all of whom have already been confirmed in the .....is taken as setting off one unreserved vacancy and both the preceding and the succeeding vacancies are given to members of minority communities.

5. That there is no objection to the observance of communal formula for determining the posts against which the liens of permanent supernumerary men have to be wiped out but the posts so determined should be left out of account altogether. The application of communal percentages in the case of such proforma confirmations in the manner indicated above is quite unjustified and highly inequitable for the following reasons :—

(*a*) The proforma confirmations of the 9 temporary men in the.....office is apparently an imaginary paper transaction to wipe out one by one the 9 supernumerary posts. As far as your humble memorialist is aware these 9 temporary men whose names are borne on the.....cadre pro-forma have already been confirmed in the office of

.....The application of the communal formula in the case of such confirmations would therefore have been justified only if on confirmation the temporary men had actually remained in and formed part of the effective strength of the.....Office.

(*b*) In the present case as the turn for confirmation of each temporary man arises one supernumerary post is abolished. The temporary man neither forms part of the actual strength of this office nor does he in any way represent the community to which he belongs for purposes of communal percentages in that office. Counting his vacancy as having been given to a member of Hindu community and the consequent allotment of both the preceding and succeeding vacancies to members of minority community is, therefore not only incorrect but highly inequitable.

(*c*) The men actually absorbed in the effective strength of the Office on the occurence of such vacancies are the 9 supernumerary men (indicated in the margin all of whom are not Hindus) who had already been confirmed according to the communal formula prevalent at the time of their confirmations and they are duly accounted for as members of their respective community for the purposes of communal statistics. For all practical purposes these are not new confirmations and there appears to be no rule or order which contemplates that confirmations already made rightly in accordance with the rules in force at that time should now be revised and adjusted according to the new ratios.

(*d*) The application of the revised communal formula in the case of above stated *proforma* confirmations gives

undue preference and greater number of vacancies to members of minority communities than that actually warranted under the orders and is therefore, unjust and prejudicial to the interests of the members of the Hindu community.

6. That supernumerary men are already permanent men to absorb whom in the permanent strength an equal number of permanent posts have been earmarked *viz.*, those reserved "for *pro-forma* confirmations are utilised merely for wiping out the supernumerary posts, as neither any fresh recruitment nor any actual confirmations are required to be made in connection with these. These vacancies do not, therefore, come within the purview of the orders of the Government of India regarding application of communal formula and should be ordered to be ignored from the total number of vacancies available for allotment between several communities.

7. That as the interests of your humble memorialist who has put in years' service have already suffered heavily by the issue of the revised communal percentages, he humbly prays that his legitimate grievance as represented above may kindly be favourably and sympthetically considered and that the order of the.....and the practice obtaining in his office in consequence thereof may kindly be ordered to be revised in respect of all the *pro-forma* confirmations so far made or to be made hereafter.

8. That for this act of kindness and justice your humble memorialist as duty bound shall ever pray for your long life and prosperity.

Your humble memorialist,

(Place).....
(Date).....

CHAPTER IX

DEMI-OFFICIAL

Demi Official letters are those letters which are exchanged between high officials in urgent cases and are addressed like private ones but the subject matter contained therein is official. They should be addressed by name. Some specimen forms are given below :—

Specimen 1.

My dear Mr.....,

When I was in Lucknow on Monday, the 12th instant to attend a.....Meeting, I went round to see....., Secretary,.....Department, who was on leave at the time you went to Lucknow. The abolition of the.....work came up during the conversation. He expressed a certain amount of surprise and concern that such a decision had been reached without the Provincial Government being consulted. He expressed the possibility of the Provincial Government wanting.....work to be done but also indicated a preference that the work should be done under their control by staff lent by us for the purpose. I did not express any opinion on any of the suggestions beyond stating my personal view, without in any way committing the Government of....., that the...work yielded results of great importance in financial administration. He has asked me to write to you requesting that you will kindly let me know for communication to.....Government the reason for which it was decided that this work should be stopped. In particular he wanted to know whether in the opinion of the Government of...the results obtained from this work were worth the expenditure involved or whether the abolition had been decided on the basis of economy.

On receipt of this information the Provincial Government will proceed to consider whether they will have this work executed at their cost. I shall be grateful to have your instructions as to the reply to be given.

Yours sincerely
A. B. C.

Demi-official Reply.

Your D. O. No....., dated the 10th October, 1938 about the suspension of work.

2. The general position regarding the execution of this work is that they.....

Specimen 2.

Office of.....

No.....dated.....1939.

Dear Mr... ,

I enclose for your information and guidance a copy of a D. O. letter issued by the Government of.....Finance Department to all Secretaries to Government regarding... .....You will please intimate at once the amounts that should be surrendered to Government from your allotments for travelling allowance and contingencies. The details working up to those amounts which should not be less than Rs. 10,000 under travelling allowance and contingencies separately, should also be given. The implications involved in the orders are being considered and a further communication regarding this will follow. In the meantime you should carry out strictly the orders contained therein.

Yours sincerely,

A. B. Esquire,
(Designation)

Specimen 3.

No.....
Government of.....,
.....Department,
Simla, the 18th October, 1938.

My Dear,

Council has constituted a.....Committee under the Chairmanship of the Hon'ble.....Member and with the concurrence of that Committee I am to convey the following interim orders of the Government :—

.....It is hoped that the further orders referred to will issue within a month.

Specimen 4.

OFFICE OF THE.....

New Delhi, dated 21st November, 1939.

Dear Mr. N,.....

Will you please refer to my demi-official letter No. G. E. 3/41 dated the 25th December, 1939, forwarding a copy of Sir B's demi-official letter No. 4915-S dated the 16th October, 1939, regarding.....expenditure.

2. I now enclose for your information and guidance a copy of the Government of B's,.....Department Office Memorandum No. D-8414-N/39 dated the 29th October, 1939, containing instructions which replace the purely temporary orders issued in Sir B's demi-official letter referred to above.

Yours sincerely;

N. Esquire,
(Designation)

Specimen 5.

Demi-official letter from M. Esq. I. C. S., Secretary to the Government of B, Local Government Department,

to C., Esq., I. C. S., Commissioner, S. Division, No. U.33, dated the 20th January, 1933.

To-day's R. Gazette reports that Y District Council "deposed" U the Chairman on the 16th. Would you please favour the Ministry with an account of the matter?

A copy of this letter is being sent to N. with a request to send you all necessary particulars.

CHAPTER X.

FORMS OF CORRESPONDENCE,

Unofficial letters, Resolutions, Notifications, Office memorandum.

Un-official or U. O. form is used in cases where final reply is required by return and the matter is not so important as to entail a lengthy correspondence. Specimen forms are given below :—

Specimen 1.

Will the Secretary to Government, B Finance Department, kindly state how the pay in the following case may be fixed under Fundamental Rule 22-A.

2. A subordinate in the I. branch, who was in receipt of a fixed rate of pay from 1st march 1918 to 30th September 1920 and thereafter drew pay in the time-scale of Rs. 60-5/2-80/5/2-120 was held up at the efficiency bar at Rs. 10/-from 1st March 1928 till his discharge from Government service from 2nd August 1931. On his reappointment from 25th April, 1937 his pay is to be fixed in the revised scale of Rs. 50-2-60/2-80/2-1 00 under Fundamental Rule 22-A.

3. It will be seen that the bar in the old scale is reached after 8 years as against 5 years in the reduced scale. Since there is also a second efficiency bar in the

reduced scale, it appears reasonable to hold that this (the second) bar corresponds to the bar at Rs. 30/- in the old scale and that the first bar in the reduced scale be ignored. As, however, the bar in the old scale is not reached in exactly the same number of years as the second bar in the reduced scale, it is requested that the intention of Government regarding the application of bars in fixing pay in the revised scales in such cases under Fundamental Rule 22-A may kindly be intimated for the guidance of this office.

4. Another point which is for consideration is that the Government servant was held up at the bar from 1st March 1928 to 2nd August 1931 and it is not clear whether this period should be ignored or taken into account in calculating his pay under Fundamental Rule 22-A. It is requested that the orders of the Government on this point may also kindly be communicated.

Sd.....

(Official designation).

To

The Secretary to Government, B.,

F. Department,.....

U.O. No. CL. II. N/1853, dated the 11th November 1938.

U. O. Reply

Returned with the following remarks :—

Para 3. In such cases a Government servant should be held up at the first efficiency bar in the revised scale unless he is declared fit to cross it by a competent authority.

Para 4. It should be left to the authority competent to declare the bar at Rs. 60/- removed, to decide at the time of giving the necessary declaration, whether the period from 1. 3. 1928 to 2. 8. 1931 should or should not

be taken into account (the whole or a part of it) in calculating the pay of the official under F. R. 22-A.

Sd.....

Deputy Secretary,.....Department.

To (Official designation of the addressee)

U. O. No. 4938-BL/38 dated the 29th November 1938.

Resolutions are decisions or announcements of the Government concerning matter of great importance, doubtful problems or questions under dispute.

There are different forms of Resolution. The Resolution issued by the Secretary of State are issued in the direct form. The first pargraph contains the name of the authority issuing the resolution and the powers under which the resolution is issued. In the second paragraph is the subject matter of the resolution and then is given the date from which it will have effect. At the top is given the number, date and the Department to which the Resolution pertains. A form of the Resolution amending the Fundamental Rules is given below :—

Specimen 1.

I, Lawrence John Lumley, Marquess of Zetland, one of His Majesty's Principle Secretaries of State in exercise of the powers conferred upon me by Section 247 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following amendment in the Fundamental Rules :—

At the end of Rule 22 of the said Rules the following shall be inserted :—

.....

Given under my hand this 31st day of March 1938.

Zetland,

One of His Majesty's Principal Secretaries of State.

Specimen 2.

I, Lawrence John Lumley, Marquess of Zetland, one of His Majesty's Principal Secretaries of State, in exercise of the powers conferred upon me by Section 247 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following Amendment in Fundamental Rules, namely:—

In Rule 77 of the said Rules, after the words "one eighth" in sub-clause (2) of clause (*c*) the following words shall be inserted, namely:—"or one-twelfth in the case of officers commissioned in His Majesty's Indian Land Forces."

This Amendment shall have effect from 11th October, 1938.

Given under my hand this eleventh day of October, 1938.

Zetland,

One of His Majesty's Principal

Secretaries of State.

The Resolution of the Government of India or Provincial Governments do not contain the personal name of any authority as in the case of Secretary of State's Resolution. After giving the name of the Government and the Department concerned, comes the date of its issue. Before begining its introduction showing the necessity of the resolution the number is affixed and then is the main

subject-matter. A specimen form is given below :—

Specimen 3.

THE GAZETTE OF INDIA, OCTOBER 8, 1938.

FINANCE DEPARTMENT,

RESOLUTIONS.

The 1st October, 1938.

No. F. 6 (55)-R. II/38.—The Government of India have under consideration the question of revising the existing pension rules in relation to future entrants to Government Service. The issue of the revised rules is likely to take some time. The Governor General in Council has, however, decided that all persons who enter service under the Central Government on or after the 1st October 1938, or who having entered such service earlier did not hold a lien or a suspended lien on a permanent post before that date shall be governed by the revised pension rules.

Ordered that the Resolution be published in the Gazette of India.

R. S. SYMONS,
Deputy Secy. to the Govt. of India.

Specimen 4.

GOVERNMENT OF SIND.

Finance Department.

RESOLUTION.

No. 489-D.

Sind Secretariat, Karachi, 12th September, 1938.

Read Finance Department Circular, No. 489-D., dated the 20th July, 1938 :—

" I am directed to forward a copy of letter No. T. M. Reforms-2277, dated the 23rd December, 1937, from the

Accountant General, Bombay, and to enquire whether the Government of.....would agree generally to the procedure mentioned in paragraph 1 of the letter of the Accountant-General, Bombay, in respect of supplies made or services rendered to them by the Officers of the Government of Sind. The above procedure is not meant to cover individual items on which separate agreements have been arrived at."

Read replies from the various Governments assenting to the procedure outlined in letter No. T. M. Reforms-2277, dated the 23rd December, 1937, from the Accountant General, Bombay.

Resolution. The Governor of Sind is pleased to accept the procedure under which Officers of other Governments who make supplies or render services to this Government should in respect of transactions originating in the month of March, raise the debits in anticipation of their acceptance by the Officers concerned.

2. Similar procedure should be followed in adjusting the claims against the Central and other Provincial Governments in respect of supplies made or services rendered to them by the Officers of the Government of Sind.

3. In order to facilitate early adjustment of claims, the debits raised should be supported by vouchers, or other papers giving full classification of the charges and indicating clearly the Department and Officer to whom the supplies were made or services rendered.

By order of His Excellency the Governor,

C. B. E. Clee,

Chief Secretary to Government.

Notifications are announcement, reports, notices of orders, of general nature gazetted by the Government for the information of the public or its subordinate offices.

There is not much difference between the forms of Resolutions and Notifications issued either by the Government of India or the Provincial Governments.

Specimen 1.

The Gazette of India, May 28, 1938.

Finance Department.

Notification.

Simla, the 25th May, 1938.

No. F. 14 (12)-Ex. 1/38.—In exercise of the powers conferred by clause (*a*) of subsection (2) of section 241 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the following further amendments shall be made in the fundamental Rules, namely :—

× × × ×

The above amendments shall be deemed to have been made with effect from the 11th November, 1931.

(Sd).....

Dy. Secy. to the Govt. of India.

Specimen 2.

Finance General.

Notification.

No. 1700-P. F. 38/36842, dated Lahore, the 5th November 1938.

In exercise of the powers conferred by section 49 (*i*) of the Government of India Act, 1935, the Governor of the Punjab is pleased to make the following additions in the Subsidiary Rules, Volume II of Punjab Financial

Handbook No. 2 :—

In the table appended to rule 27.5 insert the following new entries :—

× × × ×

Specimen 3.

The Gazette of India, September 17, 1940.

HOME DEPARTMENT.

Notifications.

Establishments.

Simla, the 9th September, 1940.

No. 9/14/40.—In exercise of the powers conferred by section 41 of the Government of India Act, 1935, the Governor General in Council is pleased to direct that the following further amendement shall be made in the Rules published with the notification of the Government of India in the Home Department, No. F. 9-19/30-Ests. dated the 27th February, 1932 ; namely ;

1. In the Schedule annexed to the Said Rules, under the heading " Home Department," for the entries under the sub-head "Office of the Director, Intelligence Bureau", the following entries shall be substituted, namely :—

× × × ×

Specimen 4.

HOME DEPARTMENT.

GENERAL.

Notification

The No. 7249-G-38/30870, 12th September, 1938.

No. 7249-G-38/30870.—It is hereby notified that the

holidays to be observed in public offices under the Punjab Government during the year 1940, which are specified in the schedule hereto annexed, are public holidays within the meaning of section 25 of the Negotiable Instruments Act, 1881. These holidays should be given to the head of an office to stop a holiday notified under the Act in the case of any individual guilty of idleness or inattention to duty, unless the day in question is deemed specially sacred by the members of the religion which the offender professes.

2. In addition to the holidays specified in the schedule all Government offices will be closed on the 29th and 30th December (Friday and Saturday) for Christmas.

3. A local holiday confined to the districts of Ambala, Ludhiana, Jullundur, Hoshiarpur, Ferozepur, Lahore, Amritsar, Sheikhupura, Sialkot, Gujranwala, Lyallpur, Montgomery and Rawalpindi will be observed on Monday, the 6th March, 1939, for Hola Mohalla.

4. Local holidays for great festivals or fairs at peculiar places may be granted at the discretion of heads of offices provided always that there are no arrears of work. The maximum number of such holidays that may be given by district officers is seven. This number should not be exceeded, and district officers should themselves fix each year the local holidays to be observed in their districts up to or within the prescribed maximum of seven without previous reference to the Commissioner of the division to whom, however, a copy of the list of holidays fixed should be sent for information. Heads of offices may also, subject to the condition that there are no arrears of work, permit the last a Sturday of every month to be observed as a

holiday in the English and Vernacular Offices. It should not however, ordinarily be granted in the cold weather, *i. e.*, October to March inclusive ; and treasuries will not close on days on which the Civil Courts remain open. All establishment should be allowed, subject to the condition laid down in the case of public holidays under the Negotiable Instruments Act to take full advantage of holidays.

5. This notification does not apply to holidays to be observed by the High Court and Civil Courts subordinate thereto :—

× × × ×

Office memorandum is a form of official communication between officials of equal standing to call for ad interim information to complete a particular draft or in cases of minor importance for giving instructions to subordinate offices. Replies to applications for appointments, orders for purchases and correspondence with private bodies, firms or associations is done in this form.

Specimen 1.

No.....

Government of.....

Finance Department.

....., the 5th December, 1938.

Office Memorandum.

The.....Committee have decided that the purely temporary orders issued in Finance Secretary's demi-official letter No.....dated the 25th of July, 1938 to Secretaries should be replaced by instructions directed to effecting economy which may without serious detriment to efficiency continue in operation till 1st April, 1940. The

undersigned is accordingly directed to convey with the concurrence of the.....Committee, the following instructions of the Government of.....which must be read subject to the provisions of the Government of India Act and to any other statute which may be applicable.

× × × ×

2. The undersigned is to add that the Government of.....recognise that the application of these instructions must throw an additional burden of work and responsibility, with little, if any, additional remuneration on all Government servants. They are convinced, however, that they will receive the whole hearted co-operation of all Departments of the Governments of.....in their endeavour to effect by these and cognate measures, such economies as may obviate the adoption of more drastic measures.

Sd.....

Deputy Secretary to the Government of.....

To

All Departments of the Government of.....

Specimen 2.

No.....

Government of.....

.....Department

New Delhi, the.....

Office Memorandum

Subject :—

The undersigned is directed to invite a reference to this Department's office Memorandum No....., which aimed at..... The Government of.....consider that there is also scope for economy and administrative simplicity in the matter of.....It is recognized that for

legal or technical or even administrative reasons, it may be necessary to.....but the undersigned is directed to enjoin the exercise of a careful and deliberate discretion before.....

Under Secretary to.....

Specimen 3.

From

The Under Secretary to the Government of India in the External Affairs Department.

To

The Resident in Kashmir

Memorandum No.....

Dated Simla, the.....

Subject :—

Reference your memorandum No.....dated the .....

2. × × ×

(Sd).....

Under Secretary to the Government of India.

Specimen 4.

No.....

Government of.....

.....Department.

(Station) the 30th January, 1940.

Office Memorandum.

Subject :—

The undersigned is directed to invite a reference to paragraph 5 of the Revenue Department's office memorandum No : F. 63—/40 – Ests. dated the 2nd August 1939, in which the Finance Department were informed inter

alia, that all subsequent alterations in the declarations issued by individual Departments under section.....of the Government of India Act, 1935, whether such alterations are necessitated by appointments of person from States, tribal areas or territories adjacent to India which are not mentioned in the declarations or by appointments to posts not mentioned in the declarations would be carried out by the Revenue Department as the administrative Department concerned with the matter. The Revenue Department have since considered the question of the detailed procedure to be followed in carrying out these alterations and have arrived at the following conclusions :—

× × × ×

Modifications required in any of the notifications already issued due to a decision to promote or transfer a person in service from one post to another will be carried out by the.....Department on receipt of intimation from the administrative Department concerned.

Sd.....

Under Secretary to the Government of.....

To

All Department of the
Government of.....

CHAPTER XI

ROYAL ORDERS

Proclamation, Announcement, Royal Commission.

Proclamation is an announcement made by the authority of the King in the Council. It is read aloud in the capitals by heralds. Thus the death of a sovereign and accession of his accessor are proclaimed, and a similar announcement is made of a declaration of war. The dissolution or prerogation of Parliament are also proclaimed.

Specimen 1.

Proclamation

Whereas His Excellency the Right Honourable the Lord Brabourne, G.C.S.I., G.C.I.E., M.C., has been appointed by His Majesty to be His Viceroy and acting Governor General of India and Crown Representative and has assumed the said Office the said appointment is hereby notified, and it is proclaimed that the said Right Honourable the Lord Brabourne, Viceroy and acting Governor General of India, has this day taken his seat in His Excellency's Council.

ORDER.—Ordered that the Proclamation be read at the head of the troops in the principal military stations under a salute of 31 guns.

Ordered that a copy of the Proclamation and copies of the foregoing order be sent for information to the Political Department, the External Affairs Department, the Defence Department, the Finance Department, the Department of Commerce, the Department of Labour,

the Department of Communications, the Department of Education, Health and Lands, the Railway Department, the Legislative Department, the Legislative Assembly Department, the Financial Adviser, Military Finance, the Reforms Office, and the Imperial Council of Agricultural Research Department whence such orders as may be necessary will be issued forthwith.

Ordered that information of the accession of His Excellency the Right Honourable the Lord Brabourne to the office of Viceroy and acting Governor General of India and Crown Representative be sent to the Provincial Governments and Administrations noted below and to His Excellency the Naval Commander-in-Chief, East Indies Station :—

The Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North West Frontier Province, Sind, Orissa, the Chief Commissioners of Coorg, Delhi, Ajmer-Merwara, Andaman and Nicobar Islands and Panth-Piploda.

Specimen 2.

GEORGE R. I.

George the Sixth, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India to all to whom these Presents shall come.

Greeting !

Whereas His late Majesty King Edward VII, being desirous of distinguishing by some mark of His Royal Favour the many heroic acts performed by those of His faithful subjects who endanger their own lives in saving

or endeavouring to save the lives of others from perils incurred in mines or quarries or otherwise in connection with Industrial Employment in His Dominions and in Territories under His protection and jurisdiction did by Warrants under His Sign Manual bearing date respectively the 13th July, 1907, and the 1st December, 1909, for Himself, His Heirs and Successors institute and creat a Medal to be entitled the Edward Medal to be awarded for such acts of gallantary.

And whereas the rules governing the award of the said Decoration were amended and the Royal Warrants relating to the Decoration were consolidated by a Warrant under the Sign Manual of His late Majesty King George V bearing date the 28th August, 1917:

And whereas the seventh clause of the said Royal Warrant of the 28th August, 1917, was amended by a Warrant under the Sign Manual of His late Majesty King George V bearing date the 1st October, 1930:

And whereas We are desirous of amending the second clause of the said Royal Warrant of the 28th August, 1917:

Now know ye that We do by these Presents for Us, Our Heirs and Successors abrogate the second clause of the said Royal Warrant of the 28th August, 1917, and in lieu thereof We ordain that the Edward Medal shall consist of a Circular Medal with the Effigy of the Sovereign on the observe, and on the reverse a suitable design with the words "For Courage," and that the Medal shall be of Bronze or, when the Edward Medal in Silver is awarded, of Silver.

Given at Our Court at Saint James's the First day of March, 1937; In the First Year of Our Reign.

By His Majesty's Command,

John Simon.

Announcements

Specimen

His Majesty's Government in the United Kingdom have considered the position created by the new Constitution which was approved by the Parliament of the Irish Free States in June, 1937 and came into force on December 29th. They are prepared to treat the new Constitution as not effecting a fundamental alteration in the position of the Irish Free State, in future to be described under the new Constitution as "Eire" or "Ireland," as a member of the British Commonwealth of Nations.

His Majesty's Government in the United Kingdom have ascertained that his Majesty's Government in Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa are also prepared to treat the new Constitution.

His Majesty's Government in the United Kingdom take note of Articles 2, 3 and 4 of the new Constitution. They cannot recognize that the adoption of the new name "Eire" or "Ireland" or any other provisions of these articles, involves any right to territory or jurisdiction over territory forming part of the United kingdom of Great Britain and Northern Ireland, or affects in any way the position of Northern Ireland as an integral part of the United Kingdom of Great Britain and Northern Ireland. They therefore, regard the use of the name "Eire"

or " Ireland " in this connection as relating only to that area which has hitherto been known as the Irish Free State.

Royal Commission

Royal Commission is the document setting forth the authority under which His Majesty places a charge or trust upon a person.

Specimen

Commission appointing the Honourable Sir Henry Duffield Craik, Baronet, K. C. S. I., to be the Governor of the Punjab.

" *George R. I.*"

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and of the British Dominions beyond the Seas, King Defender of the Faith Emperor of India.

To our Trusty and Well Beloved Sir Henry Duffield Craik, Baronet, Knight Commander of Our Most Exalted Order of the Star of India, Member of the Executive Council of Our Governor General of India and a Member of Our Indian Civil Service.

GREETING :

I. We do by this Our Commission under Our Sign Manual appoint you the said Sir Henry Duffield Craik to be during Our pleasure Our Governor of the Punjab with all the powers, rights, priveleges and advantages to the said office belonging or appertaining.

II. And We do hereby authorise and command you to exercise all and singular the powers belonging to the said office according to such Instructions as Our Governor of the Punjab for the time being has already received or

as you may hereafter receive from Us or from Our Governor-General of India or from one of Our Principal Secretaries of State.

III. And further We do hereby appoint that so soon as you shall have taken the prescribed oaths and have entered upon the duties of your office this Our present Commission shall supersede the Warrant under the Sign Manual of His late Majesty King George the Fifth bearing date the First day of February, 1933, appointing Sir Herbert William Emerson to be Our Governor of the Punjab.

IV. And We do hereby command all and singular Our loving subjects in the Province of the Punjab and all others whom it may concern to take due notice hereof and to give their ready obedience accordingly.

Given at Our Court at St. James' this twenty-fifth day of February, 1938, in the Second year of Our Reign.

By His Majesty's Command,
ZETLAND.

CHAPTER XII

MISCELLANEOUS CORRESPONDENCE

Endorsements, Circulars, Advertisements and Notices.

When more than one officer is concerned in a correspondence and ad-interim reply is given, or where any information called for by one office from another is required from some other office and the former is to be informed of the action taken, the endorsement form of correspondence is used.

Some of the set forms are :—

A copy is forwarded to.....for information, with reference to his memorandum No.....dated the..... .

2. Copy also to.....for information.

3. Copy forwarded to each section for information and future guidance.

4. Copy, with a copy of the letter to which it is a reply, forwarded to the..... .

5. Original to.....and copy to.....except ..... .

6. A copy of the undermentioned papers is forwarded to..... .

7. Copy with a copy of the Government of .....'s letter referred to, forwarded to..... .

8. A copy of the undermentioned correspondence is forwarded to all..... .

9. Copy supplied to..... .

10. Copy forwarded for guidance to..... .

11. The undermentioned papers are forwarded to ..... .

Copy together with a copy of..... .

12. A copy of the correspondence mentioned below is forwarded to..... .

13. Copy with a copy of an extract of the letter to which it is the reply, forwarded to..... .

Circulars

Circular letters are those which are despatched to different offices *at one and the same time* and either call for a particular information or intimate general orders. Following forms may be used :—

Specimen.

To the Financial Secretary to the government

Assam
Orissa
Madras
Sind
North West Frontier Province
Bihar
The Central Provinces and Berar
The Punjab
Bombay
The United Provinces
Bengal

2. To All Heads of the Department in the Punjab.
Heads of offices.
Disbursing officers.

3. To The Deputy Commissioner.

4. The endorsement forms are also used in circular letters in cases where a particular office submits intricate matter for orders and the department to whom reference is made considers it proper to intimate its decision to all those subordinate offices in which similar cases are likely to arise.

Advertisements and Notices.

The following an some of the forms generally used—

Specimen 1.

A general competitive examination for admission to India Police will be held by the Public Service Commission at Allahabad, Bombay, Nagpur, Patna, and Shillong, beginning on Wednesday, the 18th September 1939, and the following vacancies will be filled on the result thereof in the several selection areas :—

(*a*) U. P.	2
(*b*) Bombay and Sind.	2
(*c*) C. P.	1
(*d*) Bihar and Orissa.	1
(*e*) Assam.	2

A limited competitive examination will be held on the same date and jointly with the general examination at Calcutta and Madras for the following vacancies.

(*i*) Bengal	One for Mohammedan
(*ii*) Madras	Three (*a*) 2 for Non-Brahman Hindus, (*b*) One from other communities.

If, however, no suitable candidate is forthcoming or if there is no application from candidate belonging to "other communities," the candidate shall be recruited from the Mohammedan community.

Specimen 2.

In the Court of.....

Suit No. 194 of 1939.

Harnam Singh son of Kirpa Ram, caste Rajput of village Dhardev, Tahsil and Distt. Amritsar.—Plaintiff.

Versus

Nanak Singh son of Labh Singh caste Mehra of the same village.—Defendant.

Suit for recovery of Rs. 122 due on the mortgage deed.

To Nanak Singh son of Labh Singh caste Mehra, c/o Jamadar Shahab-ud-din, Charanpur, Jamoria State, Distt. Burdwan.

Whereas it has been proved to the satisfaction of this Court that the aforesaid defendant is intentionally evading service of the summons and the said defendant cannot be served in an ordinary way, proclamation under Order 5 Rule 20 of the Civil Procedure Code is hereby issued against the aforesaid defendant to appear in this Court on 5th October, 1939 at 10 o'clock forenoon either personally or by duly authorised agent or pleader failing which ex-parte proceedings will be taken out against him.

Given under my hand and the seal of the Court this 10th day of August, 1939.

(Sd)
Sub-Judge I Class,
Amritsar.

Specimen 3.

Wanted.

Applications are invited for one post of Veterinary

Investigation Officer (*a*) Rs. 100 p. m. and five posts of Veterinary Graduates (a) Rs. 50 p. m. each.

Only persons having experience in Laboratory and Field works need apply for the post of Veterinary Investigating Officer. Preference will be given to Hindi knowing persons. Selected candidates wtll have to come to Alwar at their own expenses for interview with the Public Service Commission. They will be guided in the matter of T. A., Leave etc., according to the State rules.

Apply before 15th August, 1939 to Ram Chandra Bahl, Secretary, Public Service Commission, Alwar.

Specimen 4.

Notice

DISTRICT BOARD, KANGRA

Whereas by resolution No. 36 dated the 29th January 1938, the District Board of Kangra proposed to make regulations under the provisions of Section 56 of Punjab District Boards Acts, 1883, for the purpose of supervision and protection from pollution of public tanks, ponds, wells, kuhls and baolies from which water is or may be made available to the public for drinking purpuses in the rural area of this District, it is hereby notified for general information that the proposed regulations with certain amendments made in Rule 4 and 6 by the District Board vide Resolution No. 39 dated 17th May, 1938 will be taken into consideration by the Board after the lapse of thirty days from the date of this notice. All persons affected by or interested in the drafted regulations are invited to forward their objections or suggestions to the undersigned by the 25th of August, 1938.

For the convenience of the public, copies of the draft regulations duly amended have been displayed at conspicuous places at headquarters of each Tehsil in the District and at the meeting place of the Board.

(Sd.)
Secretary, District Board,
Kangra.

Dated 26-6-38.

CHAPTER XIII

REMINDERS, EXPRESS LETTERS AND TELEGRAMS

Reminders.

The following specimen forms are used in Government offices to send a reminder to an officer who has not replied the previous communication and a period of at last fifteen days has elapsed.

Specimen 1.

No. Dated————19.

Subject—

The undersigned $\frac{\text{has the honour}}{\text{is directed}}$ to draw the attention of————to this office No.————of———— on the subject noted above and to request an early reply thereto.

(Designation)

Specimen 2.

Dated————

The undersigned has the honour to invite attention to the reports noted in the margin which are overdue and to request the favour of their being submitted immediately.

No. Dated

(Designation)

Specimen 3.

Invites attention to this office communication noted in the margin and requests the favour of an early reply.

No. Dated

(Sd.)————————

Specimen 4.

From

————————

————————.

Invites attention to this office letter No.———— Dated————on the subject noted below and requests the favour of an early reply and oblige.

Subject :—

(Sd) × × ×

Specimen 5.

Government of the

Department.

No. Dated 19.

Subject :—

The undersigned is directed to invite attention to the communication noted below and to request the favour of an early reply, ———————— that the return of the file be expedited.

Specimen 6.

To————————————————

————————————

————————.

No. Dated (place); the————————193

Sir,

I have the honour to invite a reference to this office letter No. 1195 dated the 4th August 1938 regarding

.....and to request the favour of an early reply thereto.

I have the honour to be,
Sir,
Your most obedient servant.
(Sd).....
(Designation)

Specimen 7.

No.————
Municipal Office,.....

From.....
To .....
Sir,

I have the honour to invite your immediate attention to this office No. 1182 dated the 30th July, 1939 regarding————and request you to expedite the matter as soon as possible.

I have ete.

Specimen 8.

In inviting your attention to this office letter No. 2811/H. O. G. dated the 6th August 1939, on the above subject, I have the honour to request you to———— immediately.

I have etc.

Specimen 9.

Reminder 1

————Municipality Dated, 19th August 39.

No. Dated

The undersigned has the honour to invite attention to the communication noted in the margin and to request the favour of an early reply. Also to

subject be informed when a reply may be expected.

(Sd)————————————.

Specimen 10.

From

The————————

————————.

To

The————————

————————

No.————————Dated the————————, 194

Memorandum.

Please refer to this office memorandum No. 3812, dated the 4th August 1940, and supply the following articles as already asked, at a very early date.

(Sd)————————

Specimen 11.

Government of the Punjab

Dept. of

Office

Dated————————

Attention is invited to the communication noted in the margin. The favour of the early reply, or an intimation of the date by which a reply may be expected, is requested.

Subject:—

No. dated

————————

for————————.

Acknowledgement forms.

The following forms are generally used in official use to acknowledge the receipt of a communication or

correspondence.

Specimen 1.

Government of Assam.
Office of——————-.
Department
Group.
Branch.

No.....

From

——————————
——————————.

To

——————————
——————————.

Dated.....the.....

Subject :—

Sir,

I am directed by.....to acknowledge with thanks the receipt of your letter No.....dated the 1st July 1940 and to say that.....

I have etc.

Specimen 2.

.....Department
——————
——————194

The——————————————————————
has the honour to acknowledge the receipt of your communication dated ——————which is receiving attention.

Please quote reference No.——————in all further correspondence with this office on the same subject.

(Sd.)..... .....

Specimen 3.

Government of India.

No. A 263(2) 40 Department.

Delhi, the 3rd August 1940.

Acknowledges receipt of your circular letter No. 441 dated 1st July 1940, regarding.....

Superintendent,

Office of the..... .

Express letters.

Express letter is an ORIGINAL MESSAGE sent by post to save telegraphic expense and undue use of wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.

Telegrams.

Telegrams are either written in plain language, (*i*) language which offers an intelligible sense in English or in any foreign language or in any of the vernacular languages, or (*ii*) in Code language composed either of artificial words or of real words not used with the meaning normally assigned to them in the language to which they belong and consequently not forming intelligible phrases in one or more of the languages authorised for telegraphic correspondence in plain language; lastly of a mixture of real words and artificial words.

Combination and alterations of words contrary to the usage of the language are not admitted.

The name of the office of destination and the initial letters are each counted as one word. For underlined words and words placed within parenthesis one extra word

is charged. One word each is also charged for the ordinary signs of punctuation. Words separated by an apostrophe and word joined by a hyphen are counted as so many separate words. Groups of figures, or of letters, ordinary numbers and commercial marks composed of figures and letters, as also the number of a cheque or currency note and all references in State telegrams are counted as one word for each five figures or letters which they contain *plus* one word for any excess. Decimal points or full-stops, commas, colons, dashes and bars of division are each counted as a figure or a letter in the group in which they occur. This also applies to letters or figures added to the number of a house in an address.

The address must contain all the particulars necessary to ensure the delivery of the telegram without search or enquiry. For large towns the name of the street and the number of the house must be given, or in the absence of these particulars, the profession of the addressee must, if possible, be accompanied by additional particulars to guide the office of destination. When a telegram is addressed to one person care of another, the address must contain immediately after the name of real addressee the words "care of", "c/o" or any other equivalent.

State telegrams must be marked *State* by the sender and, as a rule, paid for in Service postage stamps or in cash or by impressions of a licensed franking machine prior to despatch. The charges are the same for state as for private telegrams. The word 'state' is charged for as a single word according to the class of the telegram—Express or Ordinary. State telegrams are accepted without prepayment at telegraph offices specified in this behalf

by the Director-General from any official of the British Government whose average expenditure on telegrams is Rs. 1,000 or more per month on the condition that settlement of all charges due on such telegrams is made monthly by cash payment into the local treasury and that a fee for the upkeep of accounts is paid by the sender at the rate of twelve annas for each complete batch of 25 telegrams despatched by the sender and twelve annas for the remainder of such telegrams if any.

A *Raj* telegram is a telegram sent by an official of an Indian State on the business of that State. A Raj telegram must be marked *Raj* by the sender and be paid for in Service Stamps of the Government of India, in cash or on the deposit account system. The charges are the same for *Raj* as for State or Private telegrams. The special instruction '*Raj*' is charged for as a single word according to the class of the telegram *Express* or *ordinary*.

Clear-the-Line telegrams—On the occasion of emergency and great importance the officials named in Art. 396 of Sec. X. of the Posts and Telegraphs Guide are specially authorised to "clear—the line" within Indian limits *i. e.* may suspend the receipt or despatch of all telegrams until the one for which the line is cleared is passed on. Such "clear—the—line" telegrams will be accepted only if signed by one of the said officials. The power to clear the line cannot be delegated and "Clear—the—line" telegrams must be paid for at double the rate for State telegrams. The words "clear line" should be written before the address, and will be transmitted free.

Priority Telegrams. Certain civil and military officials of the Government of India and Ruling princes and chiefs

have been specially authorised to send Inland State messages marked "Priority". Such messages are given precedence over all other Inland messages (except "clear-the-line") and below Foreign State Telegrams. The word "Priority" which is to be inserted by the sender in the Service Instructions is transmitted free of charge. Priority telegrams are charged for at double the rates for Express telegrams.

Canal Telegrams. Public Works Department sends messages to Divisions and Sub-Divisions by canal telegrams.

CHAPTER XIV.

ABBREVIATIONS USED IN DRAFTING.

Abbreviations of words used in Drafting.

The following abbreviations are used in official drafts.

Abbreviation	*Meaning or full word*
A.A.	Acting allowance
A. M.	stands for Ante—meridian (forenoon)
A/c	Account
Acctt.	Accountant
Addl.	Additional
Addn.	Addition
Admtr.	Administrator
Ag.	Acting
Admn.	Administration
A. P.	Average Pay
Allce.	Allowance
Appl.	Approval
Apptt.	Appointment

Abbreviation	*Meaning or full word*
Appn.	Appropriation
Art.	Article
Asstt.	Assistant
A. T. C.	Audit Code
Bal.	Balance
Bd.	Board
Bk.	Book
Bldg.	Building
Bom.	Bombay
Br.	Branch
C. A.	Compensatory Allowance
C. A. C.	Civil Account Code
C. B.	Cash book
Cantt.	Cantonment
Cantab.	Cambridge
Certe.	Certificate
Ch.	Charge
Chap.	Chapter
Cir.	Circular
C. P. C.	Civil Procedure Code
C. S. R.	Civil Service Regulations.
Civ.	Civil
Cl.	Clause, class
Cld.	Could
Co.	Company
Collr.	Collector
Consvr.	Conservator
Contd.	Continued
Confd.	Confirmed
Cr.	Credit

Abbreviation	*Meaning or full word*
D. C.	Deputy Commissioner
Defdt.	Defendant
Dept.	Department
Deptl.	Departmental
Deptn.	Deputation
Desp.	Despatch
Dev.	Development
D. I. G.	Deputy Inspector-General
Dist.	District
Dict.	Dictionary
Divl.	Divisional
Divn.	Division
D. O.	Demi-official
Dr.	Doctor, debt
Dy.	Deputy, Diary
Eccl.	Ecclesiastical
Encl.	Enclosure
Ed.	Education, Edition
Edl.	Educational
Engr.	Engineer
Esq.	Esquire
Est.	Establishment
Exam. or Examn.	Examination
Exr.	Examiner
Expln.	Explanation
Fig.	Figure
Fin.	Finance
For.	Foreign
Gaz.	Gazette
Gl.	General

Abbreviation	*Meaning or full word*
G. O.	Gazetted Officer
Govt.	Government
Govr.	Governor
Gr.	Grade
Hd.	Head
Hd. qr.	Headquarter
Hony.	Honorary
Hr.	Hour
H. R. A.	House Rent Allowance
I. h. h.	I have the honour
Imp.	Imperial
Inst.	Instant
Insp.	Inspection
Ltd.	Limited
Magte.	Magistrate
Max.	Maximum
M. C.	Municipal Committee, Medical certificate
Medl.	Medical
Mily.	Military
Min.	Minimum
Misc.	Miscellaneous
Mo.	Month
Munp.	Municipal
N. B.	stands for Note Bene (Note well)
No.	Number
Obj	Objection
Offg.	Officiating
Offr.	Officer

Abbreviation	*Meaning or full word*
Ordy.	Ordinary
Oxon.	Oxford
Para.	Paragraph
Payt.	Payment
Pb.	Punjab
Permt.	Permanent
Pl.	Please
P. M.	stands for Post Meridian (After-Noon).
Poll.	Political
Pp.	Pages
P. P.	Previous papers
Pt.	Print, point
Prin.	Principal
Priv.	Privelege
Prof.	Professor
Prov.	Province
P. S.	Post-script
P. T. O.	Please turn over
P. U. C.	Papers under consideration
Re.	Regarding
Recd.	Received
Refce.	Reference
R. F. A.	Regular First Appeal
Rep.	Report
Retd.	Retired
Rev.	Revenue
Rt.	Right
Ry.	Railway
Sec.	Section, Second

Abbreviation.	*Meaning or full word*
Shld.	Should
S. O. P.	Sterling Overseas Pay
Sp.	Special
Steno.	Stenographer
Sub.	Subordinate
Supdt.	Superintendent
T. A.	Travelling Allowance
Tel.	Telegram
U. O.	Un-official
Vety.	Veterinary
Viz.	Namely
Vr.	Voucher
Wh.	Which
Wld.	Would
W. r.	With reference to
Wt.	Weight
X.	Urgent
Yr.	Year

Abbreviations of names of departments and officers.

A. Commr.	Assistant Commissioner.
A. C.	Assistant Collector.
A. G.	Accountant-General.
A-D.-C.	Aid-de-Camp.
A. D. C.	Assistant Accountant-General.
Addl. S. J.	Additional Sessions Judge.
A. S. P.	Assistant Superintendent of Police.
C. A.	Chief Accountant
C. C.	Central Circle
C. I. D.	Criminal Investigation Department
C. D.	Central Division

Abbreviation.	*Meaning or full word*
C. and D. M.	Collector and District Magistrate
C. E.	Civil Engineer
C. and Poll. A.	Collector and Political Agent
C. M.	City Magistrate
C. S.	Chief Superintendent or Civil Service
D. A. G.	Deputy Accountant-General
D. B.	Diwan Bahadur
D. F. O.	Divisional Forest Officer
D. L. B.	District Local Board
D. P. I.	Director of Public Instruction
D. S. P.	District Superintendent of Police
Dy. C.	Deputy Collector
E. E., Ex. Eng.	Executive Engineer
F. S.	Foreign Service
H. C.	High Court
H. Cl.	Head Clerk
H. Sch.	High School
Hd. Master	Head Master
H. H.	His Highness
H. E.	His Excellency
H. M.	Head Master
I. A.	Indian Army
I. C. S.	Indian Civil Service
I. N.	Indian Navy
I. G. P.	Inspector-General of Police
I. G. of Prisons.	Inspector-General of Prisons
I. G. of Regtn.	Inspectot-Generol of Registration
I. M. D.	Indian Medical Department
I. M. S.	Indian Medical Service

Abbreviation.	*Meaning or full word.*
J. P.	Justice of the Peace
Judge H. C.	Judge, His Majesty's High Court
J. and S. J.	Judge and Sessions Judge
K. B.	Khan Bahadur
K. S.	Khan Saheb
L. F.	Local Fund
L. R. and Regn.	Land Record and Registration
L. W. P.	Leave without pay
O. S.	Original side
O. P.	On probation
O. L.	On leave
P. A.	Personal Assistant
P. C. S.	Provincial Civil Service
Poll. A.	Political Agent
P. W. D.	Public Works Department
R. S.	Rai Sahib
R. B.	Rai Bahadur
S. B.	Sardar Bahadur
S. of S.	Secretary of State
S. C. Court	Small Causes Court
S. E.	Superintending Engineer
S. L. R.	Superintendent, Land Records
S. P. T.	Substantive *protempore*
Sub-D. F. O.	Sub-Divisional Forest Officer
Sub-Engr.	Sub-Engineer

CHAPTER XV

ISSUE OF THE DRAFT

Copy Branch, Despatch Branch

Draft letters should be sent to the copying Branch through the despatch register, before 3 p. m. on ordinary days and before 12 O'clock on Saturdays. After that hour only urgent letters marked as such by the Gazetted officer can he received.

All enclosures except valuable documents should be sent along with the drafts, the number of enclosures being mentioned in the draft in the left hand margin of the draft. As regards valuable documents, a note should be made on the draft to the effect that enclosures will be supplied by the cashier. The cashier will take the despatcher's initials on the drafts when such enclosures are made over to him for despatch.

The Examiner copying branch is responsible for the receipt and distribution of draft to the copyists and typists to keep a daily progress register. This register is sent to the Gazetted officer in charge and the head of office once a month for inspection. The examiner shall see that all urgent letters are copied and made over to the despatcher on the day of receipt.

Express letters like telegrams should be copied by the sections concerned but those issued to the Government of India or superior officers will be typed in the Copy Branch.

Despatch Branch

All documents intended for despatch should be made over by the sections or branches to the Despatch Branch twice a day, the first instalment being sent between 10 and 11 and the second between 2 and 3 p. m. On Saturdays such papers should be sent by 1-30 p. m. Urgent documents required to be forwarded in original should be made over as soon possible. No paper (letter or telegram) should be received for despatch after 4 p. m. unless due notice has been given to the Routine Branch. Letters to be sent out by registered post should be made over by 3-30 p. m.

The despatchers while addressing the covers, should see that the enclosures are in order. They should enclose the documents to be despatched and affix the necessary postage stamps. Care should be taken that all letters to the same addressee are placed in the same cover as far as the postal regulations permit, and that postage stamps and envelopes are not needlessly used.

Local Dak should be bound with thread and handed over to peon along with the Dak register. It should not be placed in covers.

Fair copies of drafts should as a rule be despatched on the day of receipt by the despatcher. As an exception to this rule, ordinary letters, reminders, half-margin memos. etc. intended for issue by post to offices with which there is appreciable correspondence will be accumulated and despatched on fixed days in the week.

All letters for delivery in the station by a massenger will be entered by the despatcher in the station Dak book. He is responsible that the receipt of the office for which the document is intended is only obtained.

Our most popular, authentic & famous publications on COMPETITIVE & DEPARTMENTAL EXAMINATIONS.

1. *Guide to all Government Services* contains prospectuses of 66 Departments and 100 services.
Pp, 400 2-8-0

2. *A Practical Guide to Precis-writing* foreworded by Principal S. R. Davar, J. P., Barrister-at-law.
Pp. 240 2-8-0.

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